



Journal of the Senate

Number 18—Regular Session

Tuesday, May 2, 2006

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CALL TO ORDER

The Senate was called to order by President Lee at 10:41 a.m. A quorum present—39:

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peadar
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Excused: Senator Wilson until 2:30 p.m.

PRAYER

The following prayer was offered by the Rev. Dr. Betsy J. Steier, Senior Minister, First Christian Church, Tampa:

Almighty God, as we gather in this session of our state Senate, we call upon the blessing of your presence. We seek your blessing upon these men and women who have been chosen, not only by election of the people, but have also been chosen through selection by you.

Thank you, Lord, that they have answered this special calling, and have given sacrificially of themselves for this high purpose of representing those who have been entrusted to their care. May you empower them to be bold leaders, and strengthen them to be faithful servants.

May you grant each one the wisdom to make the best decisions, even when such decisions come with great cost. May you grant each one the courage to stand up for right causes, even when such causes may not be the popular opinion. May you grant each one the stamina to stay the course, even when such course carries with it little gratitude and great scrutinization.

May they each carry out the awesome responsibilities you have given them; trusting in your infinite power and guidance to direct what they do and say on your behalf, and for the good of all people. Carry them through the intensity of this last week of session, with a sense of contin-

ued compassion, fulfilling that which is most important for things that are lasting.

Deliver them safely back home to their families, with the peace that only you can give, knowing that they have well represented your will and your ways in all things.

Blessing, glory and honor be yours this day and always. Amen.

PLEDGE

Senate Pages Joy Swanson and Carson Hancock of Ft. Lauderdale; Andrew Sebesta of St. Petersburg, grandson of Senator Sebesta; and Elizabeth Webster of Orlando, daughter of Senator Webster, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Robert Lynch of Mt. Dora, sponsored by Senator Baker, as doctor of the day. Dr. Lynch specializes in Family Practice.

REMARKS

On motion by Senator Pruitt, the following remarks were ordered spread upon the Journal:

Senator Klein: Thank you very much, Mr. President. Senators and friends, I was elected in 1992, with a class of 47 people, to the Florida House; a big, big group after reapportionment. Eight members of the chamber that were elected at the same time have now come over to the Senate—Senator Bullard, Senator Constantine, Senator Crist, Senator Dawson, Senator Hill, Senator Miller, Senator Posey and Senator Villalobos. It has truly been a pleasure to be with all of you the last 14 years.

I remember our first experience was in meeting people from all over the state, people we probably would never have had the opportunity to meet in the normal goings-on of our daily lives. If we think about it, some of us are from other cities and states around the country, some even from out of this country. Other people that we have met have long legacies in Florida. People like Tracy Upchurch whose ancestors include a Governor and a U.S. Senator. Many of you in this room have legacies of statewide office holders as well as other legislators. Some of us are from cities and suburbs; some are from farming communities.

Representative Rick Minton, for those of you who remember him, was elected at the same time as many of us. I remember he had a very gerrymandered district, as it happens. He was a citrus farmer from Ft. Pierce and his district came down to Delray Beach. My district was Delray and Boca. We struck a deal early on. He was going to teach me all about agriculture and I was going to teach him about Passover Seders and bar mitzvahs. It worked. At the same time, Rick said, "You need to meet some of the farmers in your community." He set up time for me to go out to a big dairy farm in our area, the Bowmans. They asked me to come out on a Saturday morning with my family; with my daughter and son, 3 and 5 years old, because one of their cows was going to have a calf. He wanted us to be there for that experience so we went. It was a beautiful Saturday morning and the delivery took place. Unfortunately, the calf came out stillborn. My daughter was traumatized for two months. That was her experience in the farming side. Truly, those of us who have kids who have grown up in this process have been blessed because they have had the opportunity through our service of meeting and experiencing things that other children in our communities can't do. We believe that has been a good thing for them as well.

We all come to this process with a certain perspective. Our families, our jobs, our religions, all bring a certain understanding of what is important to our communities and what is important to all of us. But at the same time, in a body of 40, we all know that we can only be an expert in a few things. As time goes on, you learn who those people are in this body to whom you look. For example, Senator Alexander has a legacy of agriculture. Many of us look to him for that experience. Senator Smith, a prosecutor, we look to him in our Criminal Justice Committee for many of those issues. Senator Sebesta, transportation, a leading force there. Senator Garcia has been working on insurance and we could go on and on. Senator Geller, pari-mutuels. If you will notice, the explanation here doesn't talk about political parties. It talks about people, and experience, and expertise, and how the 40 of us look to each other to try to find the best policy we can, by listening to each other and learning from each other.

You all remember Pat Thomas. Senator Thomas was a wonderful man, a wonderful human being; a longtime member of this chamber, and Senate President. For those of you who served with him, you remember that when things got heated on the floor, he would stand up and just by him standing up and taking the microphone and looking at us, he would say, "Let's take a deep breath. Let's all settle down. We'll work through this." And we did. He had a wonderful way about him. I specifically remember him, in a conversation when I met him early on, saying to me that political parties have their place in government, but don't let partisanship break down your ability to think and act in a common sense way for the good of Florida. What wonderful advice. Not only was he right, but it has really made me believe very strongly in what all of you believe in, and that is the process. The process of rules, the process of committees, of introduction of bills, then taken all the way through. The more the process works, the more the public has confidence in what we do. At the end of the day, the majority wins. That's fifty percent plus one. That's okay. The process is important because the more people at the table, the better product we are going to have. The majority sometimes is the majority political party-wise or it's the majority of people from North Florida versus South Florida, or anything else. It's the process that's so important. Certainly, my suggestion to all of you, and I know you all believe strongly in this, and to our Senate President next year and the year after, is to keep these principles alive. We are different from the House of Representatives for lots of reasons. One reason is the fact that the set of rules, those processes, make us a very strong, independent body which is so important.

My passion in this process for so many years has been education; as it is for many of you. Many of you have really staked your careers on education. I believe I have really tried to do what I can to try to help, as well. We don't always agree on the path, but I think we are all together on the understanding that education, the universities, the research that takes place, all these things are going to be such an important component as Florida goes into the next generation, in the next century. I truly believe that Florida is at the centerpoint of the Western Hemisphere. It's greatest days are yet to come. That's because we have everything. We have resources, both physical and people, that really will make us a great state, and continue to make us an even greater state. But the educational component and research and things like that, world class style, are really what is going to make us great. Senator Pruitt, I know you believe extremely strongly in those. I wish you well in continuing those endeavors and leading this chamber and this state in that regard.

In the form of thank you, of course, we all start out with the people who put us here in the first place, and those are our constituents. House District 89, Senate District 30, those are the people who elected me. It has been a privilege and a pleasure to serve with those people. Some of us come from districts with a very active constituency, and some districts are not so active. I've got a very active constituency. I've got a lot of retirees who came down to Florida and said, "Well, if we did it this way in New York, why can't you do it this way in Florida?" It's wonderful because they are full of ideas, full of energy, they are quick to comment, quick to criticize, but they're active and engaged. I hope it has helped me to be a better legislator.

The staff I have had over the years, my current staff of Kristi, Jennifer back home, and Brian have really done a wonderful job of working with people back home and working with you and your staff up here to make us all look good. I appreciate that. People who have worked with me in the past include Kelly Skidmore. Kelly is a wonderful lady who has worked for me for many years. She recently left us and is planning on running for the House of Representatives. I hope we can all wish her

well. I think she is very well prepared. Felicia Goldstein, who also worked back home, is a wonderful lady. Joe McCann, who many of you know, doesn't work in this chamber anymore, but worked for me for a number of years and was a great addition to my staff. I want to thank the Democrats for electing me the Senate Democratic Leader for two years. It was a wonderful opportunity. I learned all about the principle of herding cats, and certainly trying to keep a wonderful group of people together who have great ideals and values. I believe, for the most part, we all worked well within the Senate.

Senator King, I couldn't think of a better person to work opposite of, or together with. You know how to party, you know how to lead and how to laugh. I think all those things are crucial in making it all work. The staff of the Senate, both in the committees I served in and others I worked with when working with other committees or bills, are great. We have the best people in the country that work for us. I know we all appreciate that. It doesn't get any better than this. These are people who are dedicated, and have been dedicated for many years to give us impartial, objective information. They make us look really good even when we may not be as prepared as we would be on our own. They are terrific. We certainly owe a debt of gratitude to them.

President Lee, we all came in together. We watched each other go through a process. You had never been in the process before. As a home builder, you had great business experience. I have watched you over the years, live and learn. You are an eminently fair person. I hope you take that as one of the greatest principle characteristics that someone in an elected office can have. I think you have done a wonderful job of working over the years, learning about a series of different issues and then taking the mantle of leadership both as a committee chair and now as Senate President. I want to wish you well in your future endeavors.

Of course, our families need our thanks. My wife, Dori, and I have been together for 24 years. She is terrific, as all of our spouses have been terrific for us. The work goes on at home, folks. We are up here; they're at home taking care of the families, the dog, the house, all the things that go on day to day. When we come home on weekends for our short little reprieve from this, we have a lot of catching up to do. Dori has made my service up here easy. She has been extremely supportive. I thank her and love her for all the support that she has given me. My son, Brian, was 6 when we got started. He is now a junior at the University of Michigan. It's hard to believe. My daughter, Lauren, was three. She is now a junior in high school and looking at colleges. For those of you who have kids, I think we recognize that different trends go on over the years. At some point, your kids think it's really cool that you are doing this. At other points, they are as far away as possible. Their friends don't think it's cool. My kids are now back. They are older. Their friends think it's really interesting. So now my kids want to know what's going on, and what I'm working on. They want to be in the mix. It's nice to have them in that position.

Lastly, I want to talk about my recollections of this place. When you look around this chamber, you see the portraits, you see the people, you see the staff. It's a wonderful experience that we have had. It's wonderful on so many levels. We will always remember the debates, the good times, the laughing, the tension, the anxiety, but at the end of the day, I think we can all agree, that whatever the outcome, we've done things to make this state a better place to live. That is what is the most important thing out of everything.

My final anecdote is this picture up here. We have a conspirator up here named Faye Blanton. About five or six years ago, maybe a little longer than that, we had a bill that we were working on called the One School, One Nurse Act. As you get to the end of session, you know what goes on, everything is in chaos. The President is ready to end the session, ready to bang the gavel. We had a bill that was over on the House side and we were waiting for it to get fixed and come back here. They were in total chaos over there. They were finally getting to the bill and in the meantime, Doc Myers was in the back. He was able to get the President's attention and start his own little filibuster of delay before she was going to bang the gavel. The House was taking up the bill. I ran over to the other side, through all the people in the middle there. The House passed the bill. I ran up to the front. I asked one of the clerks if I could see the bill for a second. They handed me the bill, which apparently they are not supposed to do—they handed me the bill with the bill jacket. I ran out of there across the rotunda. Faye met me on the outside of the chamber. We came marching up the aisle with the last bill of the year. We passed it before the gavel came down. Needless to say, the Clerk and the

Speaker were fit to be tied that I had actually grabbed the bill and ran over here. It was all Faye's idea. So Faye, even though she is extremely efficient and innocuous, you can count on her for the devious plans, too.

On a serious note, thank you, Mr. President and Senators, for the privilege and the honor. I wish all of you well next year, for those of you who are returning. I wish all of you well who are running for other offices. You will be a great complement to the State of Florida. Thank you.

BILLS ON THIRD READING

Consideration of **CS for SB 1430** was deferred.

The Senate resumed consideration of—

HB 147—A bill to be entitled An act relating to criminal prosecutions; creating s. 918.19, F.S.; prescribing rights of the prosecution in closing arguments; repealing Rule 3.250, Florida Rules of Criminal Procedure, relating to the accused as a witness and being entitled to concluding arguments before the jury, to the extent of inconsistency with the act; providing an effective date.

—which was previously reconsidered May 1.

POINT OF ORDER

Senator Siplin raised a point of order that pursuant to Rule 6.4 during the last five (5) days of a regular session, the motion to reconsider a bill should be made and considered the same day.

The President referred the point of order to Senator Pruitt, Chair of the Committee on Rules and Calendar.

On motion by Senator Wise, further consideration of **HB 147** with pending point of order was deferred.

On motion by Senator Carlton, by two-thirds vote **HB 7109** was withdrawn from the Committees on Government Efficiency Appropriations; Community Affairs; General Government Appropriations; and Ways and Means.

On motion by Senator Carlton, by two-thirds vote—

HB 7109—A bill to be entitled An act relating to taxation; amending s. 193.155, F.S.; revising exceptions applicable to damaged or destroyed homestead property to a requirement that changes, additions, or improvements to homestead property be assessed at just value under certain circumstances; providing for application to certain changes, additions, and improvements; providing for assessment of homestead property after substantial completion of changes, additions, and improvements; providing criteria; amending s. 196.031, F.S.; providing for the continued granting of a homestead exemption for certain damaged or destroyed homestead property under certain circumstances; specifying circumstances for abandonment of property as homestead; requiring the Department of Revenue to study the state's property tax structure; providing the contents of the study; requiring the Office of Economic and Demographic Research to prepare a report; requiring that the report recommend changes to achieve specified principles of taxation; providing deadlines; requiring a report to the Governor and the Legislature; repealing s. 12, ch. 2005-187, Laws of Florida, relating to dissolving the Communications Services Tax Task Force; providing appropriations; providing for reversion of unused funds to the General Revenue Fund; providing for retroactive application; providing effective dates.

—a companion measure, was substituted for **CS for SB 854** as amended and read the second time by title. On motion by Senator Carlton, by two-thirds vote **HB 7109** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Atwater	Bullard
Alexander	Baker	Campbell
Aronberg	Bennett	Carlton

Clary	Jones	Rich
Constantine	King	Saunders
Dawson	Klein	Sebesta
Diaz de la Portilla	Lawson	Siplin
Dockery	Lynn	Smith
Fasano	Margolis	Villalobos
Garcia	Miller	Webster
Geller	Peaden	Wise
Haridopolos	Posey	
Hill	Pruitt	

Nays—None

Vote after roll call:

Yea—Argenziano, Crist

Vote Recorded:

May 3, 2006: Yea—Wilson

Consideration of **CS for CS for SJR 1436** was deferred.

HJR 631—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution, relating to homestead exemptions from ad valorem taxation, to provide a discount from the amount of ad valorem taxation levied on the homestead of a World War II veteran who meets specified criteria.

—was read the third time by title.

MOTION

On motion by Senator Klein, the rules were waived to allow the following amendment to be considered:

Senators Klein, Campbell and Miller offered the following amendment which was moved by Senator Klein and adopted by two-thirds vote:

Amendment 1 (491192)(with title amendment)—On lines 81 through 113, delete those lines and insert:

(g) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, the veteran was a resident of this state at the time of entering the military service of the United States, and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, proof of residency at the time of entering military service, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related, and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years. This subsection shall take effect December 7, 2006, is self-executing, and does not require implementing legislation.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT ARTICLE VII, SECTION 6

PERMANENTLY DISABLED VETERANS' DISCOUNT ON HOMESTEAD AD VALOREM TAX.—Proposing an amendment to the State Constitution to provide a discount from the amount of ad valorem tax on the homestead of a partially or totally permanently disabled veteran who is age 65 or older who was a Florida resident at

And the title is amended as follows:

On page 1, line 6, delete that line and insert: on the homestead of a veteran who meets

On motion by Senator Fasano, **HJR 631** as amended was shown in full as follows:

HJR 631—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution, relating to homestead exemptions from ad valorem taxation, to provide a discount from the amount of ad valorem taxation levied on the homestead of a veteran who meets specified criteria.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 6 of Article VII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII FINANCE AND TAXATION

Section 1. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the exemption shall be increased to a total of twenty-five thousand dollars of the assessed value of the real estate for each school district levy. By general law and subject to conditions specified therein, the exemption for all other levies may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled and if the owner is not entitled to the exemption provided in subsection (d).

(d) By general law and subject to conditions specified therein, the exemption shall be increased to a total of the following amounts of assessed value of real estate for each levy other than those of school districts: fifteen thousand dollars with respect to 1980 assessments; twenty thousand dollars with respect to 1981 assessments; twenty-five thousand dollars with respect to assessments for 1982 and each year thereafter. However, such increase shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This subsection shall stand repealed on the effective date of any amendment to section 4 which provides for the assessment of homestead property at a specified percentage of its just value.

(e) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(f) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding twenty-five thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of

the income limitation prescribed in this subsection for changes in the cost of living.

(g) *Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, the veteran was a resident of this state at the time of entering the military service of the United States, and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, proof of residency at the time of entering military service, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related, and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years. This subsection shall take effect December 7, 2006, is self-executing, and does not require implementing legislation.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT ARTICLE VII, SECTION 6

PERMANENTLY DISABLED VETERANS' DISCOUNT ON HOMESTEAD AD VALOREM TAX.—Proposing an amendment to the State Constitution to provide a discount from the amount of ad valorem tax on the homestead of a partially or totally permanently disabled veteran who is age 65 or older who was a Florida resident at the time of entering military service, whose disability was combat-related, and who was honorably discharged; to specify the percentage of the discount as equal to the percentage of the veteran's permanent service-connected disability; to specify qualification requirements for the discount; to authorize the Legislature to waive the annual application requirement in subsequent years by general law; and to specify that the provision takes effect December 7, 2006, is self-executing, and does not require implementing legislation.

—and **HJR 631** as amended was passed by the required constitutional three-fifths vote of the membership, and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wise
Crist	Margolis	
Dawson	Miller	

Nays—1

Argenziano

Vote after roll call:

Yea—Garcia

Vote Recorded:

May 3, 2006: Yea—Wilson

CS for SB 382—A bill to be entitled An act relating to wellness programs for state employees; amending s. 110.123, F.S.; defining the

term “aged-based and gender-based benefits” for purposes of the state group insurance program; creating the Florida State Employees Wellness Council within the Department of Management Services; providing for membership; providing for reimbursement of per diem and travel expenses; providing purpose and duties of the council; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Margolis, **CS for SB 382** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

Vote Recorded:

May 3, 2006: Yea—Wilson

HB 263—A bill to be entitled An act relating to the Florida Prepaid College Board programs; amending s. 1009.97, F.S.; renaming the Florida Prepaid College Program; amending s. 1009.972, F.S.; authorizing funds in the Florida Prepaid Tuition Scholarship Program to be used for certain approved scholarship programs; amending s. 1009.98, F.S.; deleting a restriction on the types of postsecondary educational institutions to which a qualified beneficiary may apply his or her benefits under the Florida Prepaid College Program; requiring certain advertisements to contain a disclaimer regarding the program; conforming provisions; amending s. 1009.983, F.S.; requiring the direct-support organization of the Florida Prepaid College Board to administer the Florida Prepaid Tuitions Scholarship Program; authorizing the board to establish and administer additional scholarship programs supported from escheated funds retained by the board if the matching funds used for the scholarships are obtained from the private sector; amending s. 732.402, F.S.; conforming provisions; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **HB 263** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wise
Crist	Lynn	

Nays—None

Vote after roll call:

Yea—Posey

Vote Recorded:

May 3, 2006: Yea—Wilson

CS for SB 1920—A bill to be entitled An act relating to compensation for wrongful incarceration; authorizing certain individuals to petition a court to determine whether they were actually innocent; requiring clear and convincing evidence to establish that a person was actually innocent; providing criteria for determining whether a person was actually innocent; creating exceptions to the authorization for compensation; authorizing an actually innocent person to apply to the Department of Financial Services for compensation; providing for application procedures; authorizing a compensation amount per year of imprisonment and authorizing a tuition waiver for instruction at state universities, community colleges, and career centers; providing for compensation exceeding a certain amount to be paid in installments over a 10-year period; providing for the forfeiture of unpaid installments upon the conviction of a felony; requiring the release and waiver of any claims against the state prior to payment of compensation; requiring payments of compensation to be processed by the Chief Financial Officer; requiring the Department of Financial Services to request a specific appropriation for funds to pay compensation installments in its legislative budget requests; authorizing the Department of Financial Services to adopt rules; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Webster, **CS for SB 1920** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

Vote Recorded:

May 3, 2006: Yea—Wilson

HB 1029—A bill to be entitled An act relating to the carrying of firearms in national forests; repealing s. 790.11, F.S., which prohibits the carrying of firearms in national forests; repealing s. 790.12, F.S., which authorizes the granting of a special permit for the carrying of firearms in a national forest; repealing s. 790.14, F.S., which provides a penalty for violation of ss. 790.11 and 790.12, F.S.; amending s. 790.25, F.S.; correcting cross-references; requiring the Department of Environmental Protection to amend the correlative rule in the Florida Administrative Code to allow the possession of weapons in compliance with all Florida Statutes; providing requirements with respect to amendment of the rule; providing an effective date.

—was read the third time by title.

On motion by Senator Posey, **HB 1029** was passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Atwater	Campbell
Alexander	Baker	Carlton
Argenziano	Bennett	Clary
Aronberg	Bullard	Constantine

Crist	Jones	Saunders
Diaz de la Portilla	King	Sebesta
Dockery	Lawson	Villalobos
Fasano	Lynn	Webster
Garcia	Peaden	Wise
Haridopolos	Posey	
Hill	Pruitt	

Nays—6

Geller	Margolis	Rich
Klein	Miller	Siplin

Vote after roll call:

Yea—Smith

Vote Recorded:

May 3, 2006: Yea—Wilson

On motion by Senator Fasano, by two-thirds vote **HB 1285** was withdrawn from the Committees on Commerce and Consumer Services; Community Affairs; Transportation and Economic Development Appropriations; Ways and Means; and Rules and Calendar.

On motion by Senator Fasano, by two-thirds vote—

HB 1285—A bill to be entitled An act relating to public records exemptions; amending s. 288.1067, F.S.; expanding the public records exemption for incentive programs to include the Innovation Incentive Program under s. 288.1089, F.S.; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1136** as amended and read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 1285** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

Vote Recorded:

May 3, 2006: Yea—Wilson

Consideration of **CS for CS for SB 1226** was deferred.

HB 7055—A bill to be entitled An act relating to enterprise zones; amending s. 195.099, F.S.; reenacting a periodic review requirement; providing for future expiration; amending s. 220.03, F.S.; revising a definition; amending s. 212.08, F.S.; limiting the exemption by refund of certain taxes for rehabilitation of certain property in an enterprise zone; providing an exception; providing for retroactive application; amending s. 212.096, F.S.; revising definitions; revising an information requirement for claiming an enterprise zone jobs tax credit; amending s. 220.13, F.S.; reenacting a definitional provision; providing for future expiration of provisions relating to enterprise zone credits; amending s. 220.181, F.S.; revising certain criteria for granting an enterprise zone jobs tax

credit; amending s. 290.0055, F.S.; providing a meeting notice requirement for a governing body adopting an enterprise zone boundary change resolution; providing for time-limited continuing eligibility for a building materials tax exemption for certain businesses; specifying eligibility requirements; providing for retroactive application; providing for future repeal; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator King, **HB 7055** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise
Dawson	Margolis	

Nays—None

Vote Recorded:

May 3, 2006: Yea—Wilson

On motion by Senator Atwater, by two-thirds vote **HB 819** was withdrawn from the Committees on Health Care; and Health and Human Services Appropriations.

On motion by Senator Atwater, by two-thirds vote—

HB 819—A bill to be entitled An act relating to radiologist assistants; amending s. 468.3001, F.S.; redesignating part IV of ch. 468, F.S., as the “Radiological Personnel Certification Act”; amending s. 468.301, F.S.; providing definitions; amending s. 468.302, F.S.; providing for identification and duties of a radiologist assistant; providing for rulemaking by the Department of Health; providing limitations on duties a radiologist assistant may perform; amending s. 468.304, F.S.; providing conditions for qualification for a radiologist assistant’s certificate; amending s. 468.306, F.S.; specifying the applicants required to pass a certification examination; requiring the department to accept certain demonstrations by an applicant for a certification to practice as a radiologist assistant in lieu of any examination requirement; amending s. 468.3065, F.S.; authorizing the Department of Health to issue certificates by endorsement to certain radiologist assistants; providing for a fee; amending ss. 468.307, 468.309, 468.3095, 468.3101, 468.311, and 468.3115, F.S.; including radiologist assistants in provisions applicable to radiologic technologists with respect to requirements for certificate display, certificate renewal, change of certificate status, grounds for disciplinary action, violations, penalties, and injunctive relief; amending s. 468.314, F.S.; adding a certified radiologist assistant to the membership of the Advisory Council on Radiation Protection; providing an effective date.

—a companion measure, was substituted for **CS for SB 1366** as amended and read the second time by title. On motion by Senator Atwater, by two-thirds vote **HB 819** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Campbell	Garcia
Alexander	Carlton	Geller
Argenziano	Clary	Haridopolos
Aronberg	Constantine	Hill
Atwater	Crist	Jones
Baker	Dawson	King
Bennett	Dockery	Klein
Bullard	Fasano	Lawson

Lynn	Pruitt	Smith
Margolis	Saunders	Villalobos
Miller	Sebesta	Webster
Peaden	Siplin	Wise
Posey		

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Rich

Vote Recorded:

May 3, 2006: Yea—Wilson

HB 7127—A bill to be entitled An act relating to the disturbance of assemblies; amending s. 871.01, F.S.; providing a penalty for willfully interrupting or disturbing an assembly of people met for the purpose of acknowledging the death of an individual with a military funeral honors detail; reenacting s. 871.02, F.S., relating to indictments or informations for disturbing assembly, for the purpose of incorporating the amendment to s. 871.01, F.S., in a reference thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **HB 7127** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wise
Crist	Lynn	

Nays—None

Vote after roll call:

Yea—Rich

Vote Recorded:

May 3, 2006: Yea—Wilson

HB 293—A bill to be entitled An act relating to fiscally constrained counties; amending s. 212.20, F.S.; providing for a distribution of tax revenue to fiscally constrained counties; amending s. 218.65, F.S.; providing for a transitional emergency distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund to certain fiscally constrained counties; revising criteria for receiving certain funds from the Local Government Half-cent Sales Tax Clearing Trust Fund; creating s. 218.67, F.S.; providing eligibility criteria to qualify as a fiscally constrained county; providing for the distribution of additional funds to certain fiscally constrained counties; providing for a phaseout period; providing for the use of funds; amending s. 288.1169, F.S.; correcting a cross-reference; amending s. 985.2155, F.S.; revising the definition of the term “fiscally constrained county” applicable to shared county and state responsibility for juvenile detention; providing an effective date.

—as amended May 1 was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Baker, the rules were waived and the Senate reconsidered the vote by which **Amendment 1 (113050)** by Senator Baker was adopted May 1.

Senator Baker moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1A (061074)—On page 4, line 23, delete “202.18(2)(c)1.” and insert: 212.20(6)(d)4.

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendment to be considered:

Senator Baker moved the following amendment to **Amendment 1** which was adopted by two-thirds vote:

Amendment 1B (282750)—On page 6, line 17; and on page 8, line 30, after “is” insert: *entirely*

Amendment 1 as amended was adopted by two-thirds vote.

On motion by Senator Baker, **HB 293** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

Vote Recorded:

May 3, 2006: Yea—Wilson

CS for SB 1194—A bill to be entitled An act relating to growth management; creating part II of ch. 171, F.S., the “Interlocal Service Boundary Agreement Act”; providing legislative intent with respect to annexation and the coordination of services by local governments; providing definitions; providing for the creation of interlocal service boundary agreements by a county and one or more municipalities or independent special districts; specifying the procedures for initiating an agreement and responding to a proposal for agreements; identifying issues the agreement may or must address; requiring that emergency medical services be provided by the existing provider to an annexed area with certain exceptions; requiring local governments that are a party to the agreement to amend their comprehensive plans; providing for review of the amendment by the state land planning agency; providing an exception to the limitation on plan amendments; specifying those persons who may challenge a plan amendment required by the agreement; providing for negotiation and adoption of the agreement; providing for preservation of certain agreements and powers regarding utility services; providing for preservation of existing contracts; providing prerequisites to annexation; providing a process for annexation; providing for the effect of an interlocal service boundary area agreement on the parties to the agreement; providing for a transfer of powers; authorizing a municipality to provide services within an unincorporated area or territory of another municipality; authorizing a county to exercise certain powers within a municipality; providing for the effect on interlocal agreements and county charters; providing a presumption of validity; providing a procedure to settle a dispute regarding an interlocal service boundary agreement; amending s. 171.042, F.S.; revising the time period for filing a report; providing for a cause of action to invalidate an annexation; requiring municipalities to provide notice of proposed annexation to certain persons; amending s. 171.044, F.S.; revising the time period for providing a copy of a notice; providing for a cause of action to invalidate an annexation; creating s. 171.094, F.S.; providing for the effect of interlocal service boundary agreements adopted under the act; amending s.

171.081, F.S.; requiring a governmental entity affected by annexation or contraction to initiate conflict resolution procedures under certain circumstances; providing for initiation of judicial review and reimbursement of attorney's fees and costs regarding certain annexations or contractions; amending s. 163.01, F.S.; providing for the place of filing an interlocal agreement in certain circumstances; amending s. 164.1058, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney's fees and costs under certain conditions; requesting the Division of Statutory Revision to designate parts I and II of ch. 171, F.S.; creating s. 163.31801, F.S.; creating the "Florida Impact Fee Act"; providing legislative intent; requiring that an impact fee meet certain specified requirements concerning calculation of the fee, affordable housing, accounting for revenues and expenditures, provision of notice, and collection of administrative costs; requiring inclusion of an affidavit certifying compliance with the act in certain audits of financial statements of a local government entity or a school board provided to the Auditor General; providing an effective date.

—as amended May 1 was read the third time by title.

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment:

Amendment 1 (332860)(with title amendment)—On page 27, lines 13-16, delete those lines and redesignate subsequent paragraphs.

And the title is amended as follows:

On page 3, line 12, delete "affordable housing,"

On motion by Senator Constantine, further consideration of **CS for SB 1194** with pending **Amendment 1 (332860)** was deferred.

CS for CS for CS for SB 2114—A bill to be entitled An act relating to motor vehicle insurance; amending s. 316.068, F.S.; specifying information to be included in a crash report; creating a rebuttable presumption regarding the existence of passengers; specifying conditions relating to reporting passengers; amending s. 322.26, F.S.; providing an additional circumstance relating to insurance crimes for mandatory revocation of a person's driver's license; amending s. 817.234, F.S.; revising provisions specifying material omission and insurance fraud; prohibiting scheming to create documentation of a motor vehicle crash that did not occur; providing a criminal penalty; amending s. 817.2361, F.S.; providing that creating, marketing, or presenting fraudulent proof of motor vehicle insurance is a felony of the third degree; providing appropriations; authorizing positions and a salary rate; abrogating the repeal of provisions pertaining to the Florida Motor Vehicle No-Fault Law; providing an effective date.

—as amended May 1 was read the third time by title.

Senator Garcia moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (465510)(with title amendment)—On page 3, lines 1-20, delete those lines and insert:

Section 3. Subsection (9) of section 817.234, Florida Statutes, is amended to read:

817.234 False and fraudulent insurance claims.—

And the title is amended as follows:

On page 1, lines 11-13, delete "revising provisions specifying material omission and insurance fraud;"

On motion by Senator Garcia, **CS for CS for CS for SB 2114** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President
Alexander
Argenziano
Aronberg
Atwater
Baker
Bennett
Bullard
Campbell
Carlton
Clary
Constantine
Crist

Dawson
Diaz de la Portilla
Dockery
Fasano
Garcia
Haridopolos
Hill
Jones
King
Klein
Lawson
Lynn
Margolis

Miller
Peadar
Posey
Pruitt
Rich
Saunders
Sebesta
Siplin
Smith
Villalobos
Webster
Wise

Nays—None

Vote after roll call:

Yea—Geller

Vote Recorded:

May 3, 2006: Yea—Wilson

CS for CS for CS for SB 2112—A bill to be entitled An act relating to health care clinics; amending s. 400.990, F.S.; providing additional legislative findings; amending s. 400.9905, F.S.; redefining the term "clinic" for purposes of the Health Care Clinic Act to include certain additional providers; excluding certain facilities owned by publicly traded corporations; defining the term "specialty clinic"; including certain facilities owned by publicly traded corporations excluded by the definition of the term "clinic"; defining the terms "infusion therapy" and "fraud"; amending s. 400.991, F.S.; requiring specialty clinics to be subject to licensure requirements; requiring additional persons to be subject to background screening; revising certain requirements for applying for licensure as a health care clinic; creating additional requirements for applying for licensure as a specialty clinic; providing additional grounds under which an applicant may be denied licensure due to a finding of guilt for committing a felony; providing grounds for the denial of specialty clinic licensure; amending s. 400.9915, F.S.; including specialty clinics within clinic inspection requirements; amending s. 400.992, F.S.; including specialty clinics within requirements for license renewal, transfer of ownership, and provisional licensure; amending s. 400.9925, F.S.; providing the agency with rulemaking authority regarding specialty clinics; stating that the licensure fee for a specialty clinic is nonrefundable and may not exceed \$2,000; amending s. 400.993, F.S.; including specialty clinics within provisions regarding unlicensed clinics; providing penalties for unlicensed operation of a specialty clinic; including specialty clinics within provisions regarding verification of licensure; amending s. 400.9935, F.S.; including specialty clinics within provisions regarding clinic responsibilities; revising the responsibilities of the medical director and the clinical director; requiring all persons providing health care services to individuals in a clinic to comply with the licensure laws and rules under which that person is licensed; providing for a certificate of exemption from licensure as a clinic to expire within a specified period; providing for renewal of the certificate of exemption; revising the application procedures for a certificate of exemption; providing grounds for the denial, withdrawal, or emergency suspension of a certificate of exemption by the Agency for Health Care Administration; providing that it is a third-degree felony for an applicant to submit fraudulent or material and misleading information to the agency; requiring a specialty clinic to file an audited report with the agency no less frequently than annually; requiring a specialty clinic to maintain compliance with part XIII of ch. 400, F.S.; requiring health care clinics and specialty clinics to display signs containing certain information relating to insurance fraud; authorizing compliance inspections by the Division of Insurance Fraud; requiring clinics to allow inspection access; amending s. 400.994, F.S.; granting the agency authority to institute injunctive proceedings against a specialty clinic; amending s. 400.995, F.S.; granting the agency authority to impose administrative penalties against a specialty clinic; creating s. 400.996, F.S.; creating a process whereby the agency receives, documents, and processes complaints about specialty clinics; requiring the agency to request that complaints regarding billing fraud by a specialty clinic be made by sworn affidavit; requiring the agency to refer to the Department of Financial Services, Office of Fiscal

Integrity, any sworn affidavit asserting billing fraud by a specialty clinic; requiring the department to report findings regarding billing fraud by a specialty clinic to the agency; requiring the department to refer an investigation to prosecutorial authorities and provide investigative assistance under certain circumstances; providing that it is a first-degree misdemeanor to submit an affidavit asserting billing fraud by a specialty clinic which is without any factual basis; allowing the department to conduct unannounced reviews, investigations, analyses, and audits to investigate complaints of billing fraud by a specialty clinic; authorizing the department to enter upon the premises of a specialty clinic and immediately secure copies of certain documents; requiring a specialty clinic to allow full and immediate access to the premises and records of the clinic to a department officer or employee under s. 400.996, F.S.; providing that failure to provide such access is a ground for emergency suspension of the license of the specialty clinic; permitting the agency to assess a fee against a specialty clinic equal to the cost of conducting a review, investigation, analysis, or audit performed by the agency or the department; providing that all investigators designated by the Chief Financial Officer to perform duties under part XIII of ch. 400, F.S., and certified under s. 943.1395, F.S., are law enforcement officers of the state; amending s. 456.072, F.S.; providing that intentionally placing false information in an application for a certificate of exemption from clinic licensure constitutes grounds for which disciplinary action may be taken; designating the Florida Center for Nursing as the "Florida Barbara B. Lumpkin Center for Nursing"; directing the Department of Health to erect suitable markers; providing an appropriation; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Garcia, **CS for CS for CS for SB 2112** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

Vote Recorded:

May 3, 2006: Yea—Wilson

CS for CS for SB 142—A bill to be entitled An act relating to communications; amending s. 364.051, F.S., relating to price regulation; allowing a telecommunications company to publicly publish price lists for nonbasic services; providing guidelines for such publication; allowing 1 day's notice for price changes to nonbasic services; deleting a company's option to elect that its basic services be treated as nonbasic services; requiring a company to request that the Public Service Commission lessen its service quality regulation; providing criteria for granting a petition to change regulatory treatment of retail services; amending s. 364.025, F.S.; providing definitions; providing that a local exchange telecommunications company obligated to serve as the carrier of last resort is not obligated to provide basic local telecommunications service to customers in a multitenant business or residential property under certain circumstances; requiring the local exchange telecommunications company to notify the Public Service Commission when it is relieved of the obligation to provide service; providing for the local exchange telecommunications company to request a waiver of its carrier of last resort obligation from the commission; providing for carrier of last resort obligation to apply when specified conditions cease to exist; providing for effect of the act on the commission's jurisdiction; amending s. 350.0611, F.S.; providing additional authority to the Public Counsel, including the

authority to provide legal representation to, and to appear on behalf of, the state and its political subdivisions as consumers of communications services and utility services, to receive, investigate, and take legal action upon complaints involving communications services not within the jurisdiction of the Public Service Commission, to appear before state and federal agencies to enhance terms and conditions of utility and communications services, and to analyze and report on pending legislation relevant to utility and communications services; providing appropriations; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Fasano, **CS for CS for SB 142** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Miller
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Garcia	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wise
Crist	Margolis	

Nays—None

Vote after roll call:

Yea—Geller

Vote Recorded:

May 3, 2006: Yea—Wilson

Consideration of **CS for SB 1544** was deferred.

On motion by Senator Margolis, by two-thirds vote **HB 775** was withdrawn from the Committee on Health Care.

On motion by Senator Margolis, by two-thirds vote—

HB 775—A bill to be entitled An act relating to psychology specialties; creating s. 490.0149, F.S.; providing a definition; specifying the circumstances under which a psychologist may hold himself or herself out as a certified psychology specialist, board-certified psychology specialist, or psychology diplomate; requiring the Board of Psychology to adopt rules to establish specified criteria for approval of certifying bodies; specifying that a person licensed under ch. 490, F.S., may specify the types of services he or she provides; providing an effective date.

—a companion measure, was substituted for **CS for SB 1560** as amended and read the second time by title. On motion by Senator Margolis, by two-thirds vote **HB 775** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Constantine	King
Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders

Sebesta	Smith	Webster
Siplin	Villalobos	Wise

Nays—None

Vote Recorded:

May 3, 2006: Yea—Wilson

CS for SB 2118—A bill to be entitled An act relating to the Florida Workers' Compensation Joint Underwriting Association, Inc.; amending s. 627.311, F.S.; providing requirements for the joint underwriting plan of insurers which operates as the association; revising the membership of the board of governors that oversees operation of the joint underwriting plan; providing for continuous review of the plan; requiring that the market-assistance plan be periodically reviewed and updated; providing guidelines for procurement of goods and services, including legal services; prohibiting hiring an outside lobbyist; authorizing the use of surplus funds of former plan C; extending the deadline to access contingency reserves; authorizing the board of the association to request a transfer of funds from the Workers' Compensation Administration Trust Fund under certain circumstances; providing that the plan is subject to the same requirements for filing and approval of rating plans as workers' compensation insurers; deleting certain provisions limiting the disapproval of rates by the Office of Insurance Regulation; requiring that excess funds received by the plan be returned to the state; providing applicability of specified statutes regulating ethical standards; requiring annual statements by plan employees that they do not have conflicts of interest; prescribing limits on representing persons or entities before the plan by former senior managers or officers of the plan; prohibiting any part of the plan's income from inuring to the benefit of a private individual; prohibiting employees and board members from accepting expenditures from a person or an entity; providing applicability; requiring periodic comprehensive market examinations; prescribing disposition of assets of the plan upon dissolution; amending s. 2 of ch. 2004-266, Laws of Florida; extending the period for maintaining the contingency reserve and the period for projecting current cash needs; requiring the plan to submit a request for an Internal Revenue Service letter concerning the plan's eligibility as a tax-exempt organization; providing an effective date.

—was read the third time by title.

On motion by Senator Garcia, **CS for SB 2118** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

Vote Recorded:

May 3, 2006: Yea—Wilson

HB 351—A bill to be entitled An act relating to community residential homes; amending s. 419.001, F.S.; revising, providing, and deleting definitions; requiring the sponsoring agency of a community residential home to provide certain information and notification regarding siting requirements to a local government under certain circumstances; providing for the licensing agency to deny or nullify a license to operate a community residential home under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **HB 351** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Saunders
Bennett	Haridopolos	Sebesta
Bullard	Hill	Siplin
Campbell	Jones	Smith
Carlton	King	Villalobos
Clary	Klein	Webster
Constantine	Lawson	Wise
Crist	Lynn	

Nays—None

Vote after roll call:

Yea—Rich

Vote Recorded:

May 3, 2006: Yea—Wilson

CS for CS for SB 1196—A bill to be entitled An act relating to impact fees; creating s. 163.31801, F.S.; creating the "Florida Impact Fee Act"; providing legislative intent; requiring that an impact fee meet certain specified requirements concerning calculation of the fee, affordable housing, accounting for revenues and expenditures, provision of notice, and collection of administrative costs; requiring inclusion of an affidavit certifying compliance with the act in certain audits of financial statements of a local government entity or a school board provided to the Auditor General; providing an effective date.

—as amended May 1 was read the third time by title.

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senator Constantine moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (890520)(with title amendment)—On page 2, lines 9-12, delete those lines and redesignate subsequent paragraphs.

And the title is amended as follows:

On page 1, line 7, delete "affordable housing,"

On motion by Senator Constantine, **CS for CS for SB 1196** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Constantine	King
Alexander	Crist	Klein
Argenziano	Dawson	Lawson
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Baker	Fasano	Miller
Bennett	Garcia	Peaden
Bullard	Geller	Posey
Campbell	Haridopolos	Pruitt
Carlton	Hill	Rich
Clary	Jones	Saunders

Sebesta

Siplin

Nays—None

Vote Recorded:

May 3, 2006: Yea—Wilson

Smith

Villalobos

Webster

Wise

Dockery

Fasano

Garcia

Geller

Haridopolos

Hill

Jones

King

Klein

Lawson

Lynn

Margolis

Miller

Peaden

Posey

Pruitt

Rich

Saunders

Sebesta

Smith

Villalobos

Webster

Wise

Nays—None

Vote after roll call:

Yea—Siplin

Vote Recorded:

May 3, 2006: Yea—Wilson

 The Senate resumed consideration of—

CS for SB 1194—A bill to be entitled An act relating to growth management; creating part II of ch. 171, F.S., the “Interlocal Service Boundary Agreement Act”; providing legislative intent with respect to annexation and the coordination of services by local governments; providing definitions; providing for the creation of interlocal service boundary agreements by a county and one or more municipalities or independent special districts; specifying the procedures for initiating an agreement and responding to a proposal for agreements; identifying issues the agreement may or must address; requiring that emergency medical services be provided by the existing provider to an annexed area with certain exceptions; requiring local governments that are a party to the agreement to amend their comprehensive plans; providing for review of the amendment by the state land planning agency; providing an exception to the limitation on plan amendments; specifying those persons who may challenge a plan amendment required by the agreement; providing for negotiation and adoption of the agreement; providing for preservation of certain agreements and powers regarding utility services; providing for preservation of existing contracts; providing prerequisites to annexation; providing a process for annexation; providing for the effect of an interlocal service boundary area agreement on the parties to the agreement; providing for a transfer of powers; authorizing a municipality to provide services within an unincorporated area or territory of another municipality; authorizing a county to exercise certain powers within a municipality; providing for the effect on interlocal agreements and county charters; providing a presumption of validity; providing a procedure to settle a dispute regarding an interlocal service boundary agreement; amending s. 171.042, F.S.; revising the time period for filing a report; providing for a cause of action to invalidate an annexation; requiring municipalities to provide notice of proposed annexation to certain persons; amending s. 171.044, F.S.; revising the time period for providing a copy of a notice; providing for a cause of action to invalidate an annexation; creating s. 171.094, F.S.; providing for the effect of interlocal service boundary agreements adopted under the act; amending s. 171.081, F.S.; requiring a governmental entity affected by annexation or contraction to initiate conflict resolution procedures under certain circumstances; providing for initiation of judicial review and reimbursement of attorney’s fees and costs regarding certain annexations or contractions; amending s. 163.01, F.S.; providing for the place of filing an interlocal agreement in certain circumstances; amending s. 164.1058, F.S.; providing that a governmental entity that fails to participate in conflict resolution procedures shall be required to pay attorney’s fees and costs under certain conditions; requesting the Division of Statutory Revision to designate parts I and II of ch. 171, F.S.; creating s. 163.31801, F.S.; creating the “Florida Impact Fee Act”; providing legislative intent; requiring that an impact fee meet certain specified requirements concerning calculation of the fee, affordable housing, accounting for revenues and expenditures, provision of notice, and collection of administrative costs; requiring inclusion of an affidavit certifying compliance with the act in certain audits of financial statements of a local government entity or a school board provided to the Auditor General; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (332860)** by Senator Constantine was adopted by two-thirds vote.

On motion by Senator Constantine, **CS for SB 1194** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President

Alexander

Argenziano

Aronberg

Atwater

Baker

Bennett

Bullard

Campbell

Carlton

Clary

Constantine

Crist

Dawson

Diaz de la Portilla

Mr. President

Alexander

Argenziano

Aronberg

Atwater

Baker

Bennett

Bullard

Campbell

Carlton

Clary

Constantine

Crist

Dawson

Diaz de la Portilla

Dockery

Fasano

Garcia

Geller

Haridopolos

Hill

Jones

King

Klein

Lawson

Lynn

Margolis

Peaden

Posey

Pruitt

Rich

Saunders

Sebesta

Siplin

Smith

Villalobos

Webster

Wise

Nays—None

Vote after roll call:

Yea—Miller

Vote Recorded:

May 3, 2006: Yea—Wilson

HB 7237—A bill to be entitled An act relating to the Public Service Commission; amending s. 350.01, F.S.; correcting cross-references; revising provisions for terms of commissioners on the Public Service Commission; revising a reference to the office of hearing examiners; amending s. 350.011, F.S.; deleting obsolete provisions relating to a transfer of certain functions and duties to the Public Service Commission; amending s. 350.012, F.S.; removing a provision for governance of the Committee on Public Service Commission Oversight; repealing s. 350.051, F.S., relating to qualifications of the Chief Auditor of the commission; amending s. 350.06, F.S.; deleting certain provisions relating to the employment of reporters and furnishing of transcripts by the commission; revising provisions for the collection and accounting of fees for furnishing transcripts and other documents or instruments; amending s. 350.113, F.S.; removing limits on the amount of certain regulatory fees; amending

s. 350.117, F.S.; removing an exception for railroads from certain audits by the commission; repealing s. 350.80, F.S., relating to regulation of certain coal slurry pipeline companies; amending s. 361.08, F.S.; removing a provision for consideration by the court of certain findings by the commission relating to coal slurry pipeline companies, to conform to changes made by the act; providing an effective date.

—as amended May 1 was read the third time by title.

On motion by Senator Constantine, **HB 7237** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

Vote Recorded:

May 3, 2006: Yea—Wilson

HB 1079—A bill to be entitled An act relating to an exemption from the tax on sales, use, and other transactions; amending s. 212.02, F.S.; defining the term “qualified aircraft”; amending s. 212.08, F.S.; including qualified aircraft under certain miscellaneous exemption provisions relating to aircraft; exempting certain advertising materials distributed free of charge by mail in an envelope; creating s. 212.0801, F.S.; providing criteria, requirements, and limitations on exemptions for purchases or leases of qualified aircraft; providing an effective date.

—was read the third time by title.

On motion by Senator Haridopolos, **HB 1079** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wise

Nays—None

Vote Recorded:

May 3, 2006: Yea—Wilson

SPECIAL ORDER CALENDAR

On motion by Senator Webster—

CS for CS for SB 2234—A bill to be entitled An act relating to education; creating s. 1008.3455, F.S.; expressing the intent of the Legislature to create a program to enhance failing schools; requiring the

Commissioner of Education to develop and submit such a program to the Legislature; prescribing elements of the program; requiring the creation of an advisory committee; requiring consultation with specified entities; requiring an annual report; amending s. 220.187, F.S.; clarifying that the tax credit program applies to students in families having limited financial resources; providing scholarship eligibility to students receiving opportunity scholarships during the 2005-2006 school year for a limited amount of time; providing that a scholarship funding organization may be approved to provide scholarships under two tax credit programs; requiring separate accounting; authorizing scholarship funding organizations to transfer surplus funds between two programs under specified circumstances; creating s. 220.1875, F.S.; providing a purpose; defining terms; prescribing obligations of school districts to inform parents about failing schools; authorizing students at such schools to attend a high-performing school in the same district; providing a credit against the corporate income tax for contributions to nonprofit scholarship-funding organizations; providing limitations; providing for use of such contributions for scholarships for students attending certain failing schools to attend nonpublic schools or public schools in adjacent districts; providing requirements and limitations with respect to scholarships; providing for payment; establishing eligibility for nonpublic school participation; providing for administration by the Department of Revenue and the Department of Education; providing for rules; providing requirements for deposit of eligible contributions; amending s. 213.053, F.S.; conforming provisions to the creation of the tax credit scholarship program for families of students in failing schools; authorizing the Department of Revenue to share certain tax information with the Department of Education; amending s. 220.02, F.S.; revising legislative intent with respect to the order in which corporate income tax credits are applied to conform to the creation of the tax credit scholarship program for families of students in failing schools; amending s. 220.13, F.S.; revising the definition of the term “adjusted federal income” to account for the creation of the tax credit scholarship program for families of students in failing schools; providing for the credit to be an addition to taxable income; amending s. 220.701, F.S.; directing the Department of Revenue to deposit moneys received through the corporate income tax into the Corporate Income Tax Trust Fund rather than the General Revenue Fund; amending s. 1001.10, F.S.; conforming provisions to the repeal of the Opportunity Scholarship Program; authorizing the Commissioner of Education to prepare and publish reports related to specified tax credit programs; amending ss. 1001.42 and 1002.20, F.S.; conforming provisions to the repeal of the Opportunity Scholarship Program and the creation of the tax credit program for families of students attending schools failing to make adequate progress; repealing s. 1002.38, F.S., which authorizes the Opportunity Scholarship Program; amending s. 1002.39, F.S., to conform to the repeal of the Opportunity Scholarship Program; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment which was adopted:

Amendment 1 (513508)(with title amendment)—On page 28, delete line 29 and insert:

created under s. 220.7015. Unencumbered balances in this trust fund shall be transferred monthly into the General Revenue Fund of the state. However, such transfers shall be expended exclusively on programs that are consistent with the uses established for the Corporate Income Tax Trust Fund and that are specifically identified in the General Appropriations Act.

And the title is amended as follows:

On page 3, line 2, after the semicolon (;) insert: providing for unencumbered trust fund balances to be transferred into the General Revenue Fund; prescribing how transferred funds may be expended;

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment which failed:

Amendment 2 (941114)—On page 16, line 5, before “*The*” insert: *This section applies only to students who received opportunity scholarships under former s. 1002.38 during the final quarter of the 2005-2006 school year.*

Pursuant to Rule 4.19, **CS for CS for SB 2234** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

RECESS

The President declared the Senate in recess at 12:34 p.m. to reconvene at 1:45 p.m. or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 2:01 p.m. A quorum present—38:

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wise
Crist	Margolis	

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 256—A bill to be entitled An act relating to scholarship program accountability; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of the term “students with disabilities”; revising student eligibility requirements for receipt of a scholarship and restricting eligibility therefor; providing for the term of a scholarship; revising and adding school district obligations and clarifying parental options; revising and adding Department of Education obligations, including verification of eligibility of private schools and establishment of a process for notification of violations, subsequent inquiry or investigation, and certification of compliance by private schools; providing Commissioner of Education authority and obligations, including the denial, suspension, or revocation of a private school’s participation in the scholarship program and procedures and timelines therefor; authorizing the Department of Education’s Office of the Inspector General to release student records under certain conditions; revising private school eligibility and obligations, including compliance with specified laws and academic accountability to the parent; revising parent and student responsibilities for scholarship program participation; prohibiting power of attorney for endorsing a scholarship warrant; revising provisions relating to scholarship funding and payment; providing funding and payment requirements for former Florida School for the Deaf and the Blind students and for students exiting a Department of Juvenile Justice program; providing for the Department of Education to request a sample of endorsed warrants from the Department of Financial Services; amending s. 220.187, F.S., relating to credits for contributions to nonprofit scholarship-funding organizations; revising and providing definitions; naming the Corporate Income Tax Credit Scholarship Program; providing student eligibility requirements for receipt of a corporate income tax credit scholarship and restricting eligibility therefor; revising provisions relating to tax credits for small businesses; providing for adjustment of the total amount of tax credits and carryforward of tax credits; providing for rescindment of tax credit allocation; revising and adding obligations of eligible nonprofit scholarship-funding organizations, including compliance with requirements for background checks of owners and operators, scholarship-funding organization ownership or operation, carryforward and transfer of funds, audits, and reports; specifying background screening requirements and procedures; requiring that certain information remain confidential in accordance with s. 213.053, F.S.; revising and adding parent and student responsibilities for scholarship program participation, including compliance with a private school’s published poli-

cies, participation in student academic assessment, and restrictive endorsement of scholarship warrants; prohibiting power of attorney for endorsing a scholarship warrant; revising and adding private school eligibility requirements and obligations, including compliance with specified laws and academic accountability to parents; revising and adding Department of Education obligations, including verification of eligibility of program participants, establishment of a process for notification of violations, subsequent inquiry or investigation, certification of compliance by private schools, and selection of a research organization to analyze student performance data; providing Commissioner of Education authority and obligations, including the denial, suspension, or revocation of a private school’s participation in the scholarship program and procedures and timelines therefor; authorizing the Department of Education’s Office of the Inspector General to release student records under certain circumstances; revising and adding provisions relating to scholarship funding and payment, including the amount of a scholarship and the payment process; requiring adoption of rules; creating s. 1002.421, F.S., relating to accountability of private schools participating in state school choice scholarship programs; providing requirements for participation in a scholarship program, including compliance with specified state, local, and federal laws and demonstration of fiscal soundness; requiring restrictive endorsement of a scholarship warrant and prohibiting power of attorney for endorsing a warrant; requiring employment of qualified teachers and background screening of employees and contracted personnel having direct student contact; specifying background screening requirements and procedures; providing scope of authority; requiring adoption of rules; providing an effective date.

—was read the second time by title.

Senator King moved the following amendments which were adopted:

Amendment 1 (860542)—On page 5, delete line 6 and insert: *having a mental handicap, including trainable, profound, or educable; a mentally handicapped, speech or*

Amendment 2 (642490)—On page 20, line 27, delete “*in the district*”

Amendment 3 (611036)—On page 32, lines 10-20, delete those lines and insert:

(i)(e) *Must obligate, in the same fiscal year in which the contribution was received, An eligible nonprofit scholarship-funding organization that receives an eligible contribution must spend 100 percent of the eligible contribution to provide annual or partial-year scholarships; however, up to 25 percent of the total contribution may be carried forward for expenditure in the following same state fiscal year in which the contribution was received. A scholarship-funding organization must, before granting a scholarship for an academic year, document each scholarship student’s eligibility for that academic year. A scholarship-funding organization may not grant multi-year scholarships in one approval process. No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.*

Amendment 4 (193720)(with title amendment)—On page 50, line 23, delete “This” and insert: Except for this section and paragraph 220.187(6)(i), Florida Statutes, as amended by section 2 of this act, which shall take effect June 1, 2006, this

And the title is amended as follows:

On page 4, delete line 17 and insert: adoption of rules; providing effective dates.

On motion by Senator King, further consideration of **CS for CS for SB 256** as amended was deferred.

Consideration of **CS for CS for SB 472**, **CS for SB 474** and **CS for CS for SB 132** was deferred.

On motion by Senator Posey—

CS for SB 2522—A bill to be entitled An act relating to insurance; amending s. 624.605, F.S.; defining insurance for debt cancellation products for purposes of the Florida Insurance Code; providing that debt

cancellation products offered by financial institutions do not constitute insurance for purposes of the insurance code; amending ss. 627.553 and 627.679, F.S.; revising limitations on certain amounts of life insurance on a debtor; amending s. 627.681, F.S.; revising a limitation on the term of credit disability insurance; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and amendments were considered and adopted to conform **CS for SB 2522** to **HB 1361**.

Pending further consideration of **CS for SB 2522** as amended, on motion by Senator Posey, by two-thirds vote **HB 1361** was withdrawn from the Committees on Banking and Insurance; and Judiciary.

On motion by Senator Posey—

HB 1361—A bill to be entitled An act relating to insurance; amending s. 624.605, F.S.; including debt cancellation products within the definition of the term “casualty insurance”; describing debt cancellation products; authorizing certain entities to offer debt cancellation products under certain circumstances; specifying such products as not constituting insurance; amending ss. 627.553 and 627.679, F.S.; revising certain limitations on certain amounts of life insurance on a debtor; amending s. 627.681, F.S.; revising a limitation on the term of credit disability insurance; amending 627.681, F.S.; revising a provision relating to the term and evidence of insurance; amending s. 627.902, F.S.; exempting certain lump-sum premium payments from provisions relating to premium financing; amending s. 628.511, F.S.; revising the definitions of the terms “clearing corporation” and “custodian”; deleting definitions of the terms “book entry system” and “member bank”; conforming changes; amending s. 655.947, F.S.; providing what constitutes a debt cancellation product; providing a definition; providing an effective date.

—a companion measure, was substituted for **CS for SB 2522** as amended and read the second time by title.

Senator Posey moved the following amendments which were adopted:

Amendment 1 (872870)(with title amendment)—Between lines 48 and 49, insert:

Section 2. Paragraph (n) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(n) Free insurance prohibited.—

1. Advertising, offering, or providing free insurance as an inducement to the purchase or sale of real or personal property or of services directly or indirectly connected with such real or personal property.

2. For the purposes of this paragraph, “free” insurance is:

a. Insurance for which no identifiable and additional charge is made to the purchaser of such real property, personal property, or services.

b. Insurance for which an identifiable or additional charge is made in an amount less than the cost of such insurance as to the seller or other person, other than the insurer, providing the same.

3. Subparagraphs 1. and 2. do not apply to:

a. Insurance of, loss of, or damage to the real or personal property involved in any such sale or services, under a policy covering the interests therein of the seller or vendor.

b. Blanket disability insurance as defined in s. 627.659.

c. Credit life insurance or credit disability insurance.

d. Any individual, isolated, nonrecurring unadvertised transaction not in the regular course of business.

e. Title insurance.

f. Any purchase agreement involving the purchase of a cemetery lot or lots in which, under stated conditions, any balance due is forgiven upon the death of the purchaser.

g. Life insurance, trip cancellation insurance, or lost baggage insurance offered by a travel agency as part of a travel package offered by and booked through the agency.

h. Insurance covering property, other than real property or motor vehicles, if the person paying for the insurance:

(I) Has an ongoing contractual interest or other economic interest in the property; or

(II) Requires the property to deliver its services.

4. Using the word “free” or words which imply the provision of insurance without a cost to describe life or disability insurance, in connection with the advertising or offering for sale of any kind of goods, merchandise, or services.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 8, after the semicolon (;) insert: amending s. 626.9541, F.S., relating to unfair methods of competition and unfair or deceptive acts or practices; exempting, from the prohibition on free insurance, insurance covering property other than real property or motor vehicles under specified circumstances;

Amendment 2 (111870)(with title amendment)—Lines 84 through 109, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

Lines 13 through 15, delete those lines and insert: relating to the term and evidence of insurance;

Amendment 3 (164928)(with title amendment)—Between lines 187 and 188, insert:

Section 8. Subsection (11) is added to section 520.07, Florida Statutes, to read:

520.07 Requirements and prohibitions as to retail installment contracts.—

(11) The commission shall adopt rules to administer the sale of debt cancellation products as defined in s. 624.605(1)(r) by motor vehicle retail installment sellers.

(Redesignate subsequent sections.)

And the title is amended as follows:

On line 21, after the semicolon (;) insert: amending s. 520.07, F.S.; requiring the Financial Services Commission to adopt rules regarding debt cancellation products provided by motor vehicle retail installment sellers;

Pursuant to Rule 4.19, **HB 1361** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator King, the Senate resumed consideration of—

CS for CS for SB 256—A bill to be entitled An act relating to scholarship program accountability; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of the term “students with disabilities”; revising student eligibility requirements for receipt of a scholarship and restricting eligibility therefor; providing for the term of a scholarship; revising and adding school district obligations and clarifying parental options; revising and adding Department of Education obligations, including verification of eligibility of private schools and establishment of a process for notification of violations, subsequent inquiry or investigation, and certification of compliance by private schools; providing Commissioner of Education authority and obligations, including the denial, sus-

pension, or revocation of a private school's participation in the scholarship program and procedures and timelines thereof; authorizing the Department of Education's Office of the Inspector General to release student records under certain conditions; revising private school eligibility and obligations, including compliance with specified laws and academic accountability to the parent; revising parent and student responsibilities for scholarship program participation; prohibiting power of attorney for endorsing a scholarship warrant; revising provisions relating to scholarship funding and payment; providing funding and payment requirements for former Florida School for the Deaf and the Blind students and for students exiting a Department of Juvenile Justice program; providing for the Department of Education to request a sample of endorsed warrants from the Department of Financial Services; amending s. 220.187, F.S., relating to credits for contributions to nonprofit scholarship-funding organizations; revising and providing definitions; naming the Corporate Income Tax Credit Scholarship Program; providing student eligibility requirements for receipt of a corporate income tax credit scholarship and restricting eligibility thereof; revising provisions relating to tax credits for small businesses; providing for adjustment of the total amount of tax credits and carryforward of tax credits; providing for rescindment of tax credit allocation; revising and adding obligations of eligible nonprofit scholarship-funding organizations, including compliance with requirements for background checks of owners and operators, scholarship-funding organization ownership or operation, carryforward and transfer of funds, audits, and reports; specifying background screening requirements and procedures; requiring that certain information remain confidential in accordance with s. 213.053, F.S.; revising and adding parent and student responsibilities for scholarship program participation, including compliance with a private school's published policies, participation in student academic assessment, and restrictive endorsement of scholarship warrants; prohibiting power of attorney for endorsing a scholarship warrant; revising and adding private school eligibility requirements and obligations, including compliance with specified laws and academic accountability to parents; revising and adding Department of Education obligations, including verification of eligibility of program participants, establishment of a process for notification of violations, subsequent inquiry or investigation, certification of compliance by private schools, and selection of a research organization to analyze student performance data; providing Commissioner of Education authority and obligations, including the denial, suspension, or revocation of a private school's participation in the scholarship program and procedures and timelines thereof; authorizing the Department of Education's Office of the Inspector General to release student records under certain circumstances; revising and adding provisions relating to scholarship funding and payment, including the amount of a scholarship and the payment process; requiring adoption of rules; creating s. 1002.421, F.S., relating to accountability of private schools participating in state school choice scholarship programs; providing requirements for participation in a scholarship program, including compliance with specified state, local, and federal laws and demonstration of fiscal soundness; requiring restrictive endorsement of a scholarship warrant and prohibiting power of attorney for endorsing a warrant; requiring employment of qualified teachers and background screening of employees and contracted personnel having direct student contact; specifying background screening requirements and procedures; providing scope of authority; requiring adoption of rules; providing an effective date.

—which was previously considered and amended this day.

Senator King moved the following amendment which was adopted:

Amendment 5 (611212)(with title amendment)—On page 27, lines 3-22, delete those lines and insert: under this section is \$88 million. *At least 1 percent of the total statewide amount authorized for the tax credit shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application.*

And the title is amended as follows:

On page 2, lines 19-21, delete those lines and insert: credits for small businesses; providing for

Pursuant to Rule 4.19, **CS for CS for SB 256** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 472—A bill to be entitled An act relating to guardianship; amending s. 744.102, F.S.; defining the terms “audit” and “surrogate guardian”; amending s. 744.1083, F.S.; authorizing revocation or suspension of a guardian's registration; providing that the Statewide Public Guardianship Office need not review credit and criminal investigations from a college or university before registering the institution as a professional guardian; amending s. 744.301, F.S.; providing that in the event of death, the surviving parent is the sole natural guardian of a minor; prohibiting a natural guardian from using the property of the ward for the guardian's benefit without a court order; creating s. 744.3025, F.S.; authorizing a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; requiring a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; providing that a court need not appoint a guardian ad litem under certain circumstances; requiring a court to award reasonable fees and costs to the guardian ad litem; amending s. 744.3031, F.S.; increasing the time an emergency temporary guardian may serve to 90 days; authorizing an extension; requiring an emergency temporary guardian to file a final report; providing for the contents of the final report; amending s. 744.304, F.S.; specifying the persons who may file a petition for a standby guardian; requiring that notice of the appointment hearing be served on the ward's next of kin; clarifying when a standby guardian may assume the duties of guardian; requiring that each standby guardian submit to credit and criminal background checks; amending s. 744.3115, F.S.; providing a cross-reference; amending s. 744.3145, F.S.; reducing the time in which a guardian must complete the education courses from 1 year to 4 months; amending s. 744.3215, F.S.; providing that an incapacitated person retains the right to receive necessary services and rehabilitation necessary to maximize the quality of the person's life; amending s. 744.331, F.S.; requiring that the court appoint an attorney from a specified registry; requiring attorneys to complete certain training programs; providing that a member of the examining committee may not be related to or associated with certain persons; prohibiting a person who served on an examining committee from being appointed as the guardian; requiring each member of an examining committee to file an affidavit stating that he or she has completed the mandatory training; providing for training programs; requiring each member to file a report regarding his or her examination of an alleged incapacitated person; providing for an award of attorney's fees; amending s. 744.341, F.S.; requiring the voluntary guardian to include certain information in the annual report; requiring that certain specified information be included in the notice to terminate a voluntary guardianship; amending s. 744.361, F.S.; requiring a professional guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; amending s. 744.365, F.S.; requiring that the verified inventory include information on any trust to which a ward is a beneficiary; amending s. 744.367, F.S.; requiring that the annual report of the guardian be filed on or before April 1 of each year; amending s. 744.3675, F.S.; requiring that the annual guardianship plan include information on the mental condition of the ward; providing for an annual guardianship plan for wards who are minors; amending s. 744.3678, F.S.; providing that property of or a trust benefiting the ward which is not under the control of the guardian is not subject to annual accounting; requiring certain documentation for the annual accounting; amending s. 744.3679, F.S.; removing a provision prohibiting the clerk of court from having responsibility for monitoring or auditing accounts in certain cases; amending s. 744.368, F.S.; requiring that the verified inventory and the accountings be audited within a specified time period; amending s. 744.441, F.S.; providing that a guardian, with the approval of the court, may amend a revocable trust of the property of the ward; creating s. 744.442, F.S.; providing that a guardian may designate a surrogate guardian to exercise the powers of the guardian if the guardian is unavailable to act; requiring the surrogate guardian to be a professional guardian; providing the procedures to be used in appointing a surrogate guardian; providing the duties of a surrogate guardian; requiring the guardian to be liable for the acts of the surrogate guardian; authorizing the guardian to terminate the services of the surrogate guardian by filing a written notice of the termination with the court; amending s. 744.464, F.S.; removing the state attorney from the list of persons to be served a notice of a hearing on restoration of capacity; removing a time limitation on the filing of a suggestion of capacity; amending s. 744.474, F.S.; revising the circumstances under which a guardian may be removed; providing a rebuttable presumption that certain relatives act in the best interests of the ward; amending s. 744.511, F.S.; providing that a ward who is a minor need not be served with the final report of a removed guardian; amending s. 744.527, F.S.; providing that final reports for a deceased

ward be filed at a specified time; amending s. 744.528, F.S.; providing for a notice of the hearing for objections to a report filed by a guardian; amending s. 744.708, F.S.; requiring a public guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; amending s. 765.101, F.S.; redefining the term "health care decision" to include informed consent for mental health treatment services; amending ss. 121.091, 121.4501, 709.08, and 744.1085, F.S.; conforming cross-references; reenacting s. 117.107(4), F.S., relating to prohibited acts of a notary public, to incorporate the amendment made to s. 744.3215, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendments to be considered:

Senator Saunders moved the following amendments which were adopted:

Amendment 1 (572624)(with title amendment)—On page 8, line 29 through page 9, line 25, delete those lines and insert:

Section 2. Subsections (3), (7), and (10) of section 744.1083, Florida Statutes, are amended to read:

744.1083 Professional guardian registration.—

(3) Registration must include the following:

(a) *Sufficient information to identify the professional guardian.*

1. If the professional guardian is a natural person, the name, address, date of birth, and employer identification or social security number of the ~~person~~ **professional guardian**.

2. ~~(b) If the professional guardian is a partnership or association, the name, address, and date of birth of every member, and the employer identification number of the entity partnership or association.~~

~~(c) If the professional guardian is a corporation, the name, address, and employer identification number of the corporation; the name, address, and date of birth of each of its directors and officers; the name of its resident agent; and the name, address, and date of birth of each person having at least a 10 percent interest in the corporation.~~

~~(d) The name, address, date of birth, and employer identification number, if applicable, of each person providing guardian-delegated financial or personal guardianship services for wards.~~

(b)(e) Documentation that the bonding and educational requirements of s. 744.1085 have been met.

(c)(f) Sufficient information to distinguish a guardian providing guardianship services as a public guardian, individually, through partnership, corporation, or any other business organization.

(7) A trust company, a state banking corporation or state savings association authorized and qualified to exercise fiduciary powers in this state, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in this state, may, but is not required to, register as a professional guardian under this section. If a trust company, state banking corporation, state savings association, national banking association, or federal savings and loan association described in this subsection elects to register as a professional guardian under this subsection, the requirements of subsections (3) and (4) do not apply and the registration must include only the name, address, and employer identification number of the registrant, the name and address of its registered agent, if any, and the documentation described in paragraph (3)(b)(e).

(10) A state college or university or an independent college or university described in s. 1009.98(3)(a), may, but is not required to, register as a professional guardian under this section. If a state college or university or independent college or university elects to register as a professional guardian under this subsection, the requirements of subsections (3) and (4) ~~subsection (3)~~ do not apply and the registration must include only the name, address, and employer identification number of the registrant.

And the title is amended as follows:

On page 1, lines 5 and 6, delete those lines and insert: F.S.; revising the information that is required to identify a professional guardian; providing that the

Amendment 2 (175974)(with title amendment)—On page 16, between lines 9 and 10, insert:

Section 8. Section 744.3135, Florida Statutes, is amended to read:

744.3135 Credit and criminal investigation.—

(1) The court may require a nonprofessional guardian and shall require a professional or public guardian, and all employees of a professional guardian who have a fiduciary responsibility to a ward, to submit, at their own expense, to an investigation of the guardian's credit history and to undergo level 2 background screening as required under s. 435.04. *If a credit or criminal history record check is required, the court must consider the results of any investigation before appointing a guardian. At any time, the court may require a guardian or its employees to submit to an investigation of the person's credit history and complete a level 1 background screening as set forth in s. 435.03. The court shall consider the results of any investigation when reappointing a guardian. The clerk of the court shall maintain a file on each guardian appointed by the court and retain in the file documentation of the result of any investigation conducted under this section. A professional guardian must pay the clerk of the court a fee of up to \$7.50 for handling and processing professional guardian files.*

(2) *The court and the Statewide Public Guardianship Office shall accept the satisfactory completion of a criminal history record check by any method described in this subsection. A guardian satisfies the requirements of this section by undergoing:*

(a) *An electronic fingerprint criminal history record check. A guardian may use any electronic fingerprinting equipment used for criminal history record checks of public employees. The guardian shall pay the actual costs incurred by the Federal Bureau of Investigation and the Department of Law Enforcement for the criminal history record check. The agency that operates the equipment used by the guardian may charge the guardian an additional fee, not to exceed \$10, for the use of the equipment. The agency completing the investigation must immediately send the results of the criminal history record check to the clerk of the court and the Statewide Public Guardianship Office. The clerk of the court shall maintain the results in the guardian's file and shall make the results available to the court; or*

(b) *A criminal history record check using a fingerprint card. The clerk of the court shall obtain fingerprint cards from the Federal Bureau of Investigation and make them available to guardians. Any guardian who is so required shall have his or her fingerprints taken and forward the proper fingerprint card along with the necessary fee to the Florida Department of Law Enforcement for processing. The professional guardian shall pay to the clerk of the court a fee of up to \$7.50 for handling and processing professional guardian files. The results of the fingerprint card criminal history record checks shall be forwarded to the clerk of the court who shall maintain the results in the guardian's a guardian file and shall make the results available to the court and the Statewide Public Guardianship Office. If credit or criminal investigations are required, the court must consider the results of the investigations before appointing a guardian. Professional guardians and all employees of a professional guardian who have a fiduciary responsibility to a ward, so appointed, must resubmit, at their own expense, to an investigation of credit history, and undergo level 1 background screening as required under s. 435.03, at least every 2 years after the date of their appointment. At any time, the court may require guardians or their employees to submit to an investigation of credit history and undergo level 1 background screening as required under s. 435.03. The court must consider the results of these investigations in reappointing a guardian.*

(3)(a) *A professional guardian, and each employee of a professional guardian who has a fiduciary responsibility to a ward, must complete, at his or her own expense, a level 2 background screening as set forth in s. 435.04 before and at least once every 5 years after the date the guardian is appointed. A professional guardian, and each employee of a professional guardian who has a fiduciary responsibility to a ward, must complete, at his or her own expense, a level 1 background screening as set forth in s. 435.03 at least once every 2 years after the date the guardian*

is appointed. However, a person is not required to resubmit fingerprints for a criminal history record check if he or she has been screened using electronic fingerprinting equipment and the fingerprints are retained by the Department of Law Enforcement in order to notify the clerk of the court of any crime charged against the person in the State of Florida or elsewhere as appropriate.

(b) Effective December 15, 2006, all fingerprints electronically submitted to the Department of Law Enforcement under this section shall be retained by the Department of Law Enforcement in a manner provided by rule and entered in the statewide automated fingerprint identification system authorized by s. 943.05(2)(b). The fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprint cards entered in the statewide automated fingerprint identification system under s. 943.051.

(c) Effective December 15, 2006, the Department of Law Enforcement shall search all arrest fingerprint cards received under s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system under paragraph (b). Any arrest record that is identified with the fingerprints of a person described in this paragraph must be reported as soon as possible to the clerk of court. The clerk of court must forward any arrest record received for a professional guardian to the Statewide Public Guardianship Office within 5 days. Each guardian who elects to submit fingerprint information electronically shall participate in this search process by paying an annual fee to the clerk of court and by informing the clerk of court of any change in the status of his or her guardianship appointment. The amount of the annual fee to be imposed upon each clerk of court for performing these searches and the procedures for the retention of guardian fingerprints and the dissemination of search results shall be established by rule of the Department of Law Enforcement. The fee may be borne by the clerk of court or the guardian, but may not exceed \$10.

(4)(a) A professional guardian, and each employee of a professional guardian who has a fiduciary responsibility to a ward, must complete, at his or her own expense, an investigation of the credit history of the person before and at least once every 2 years after the date of the guardian's appointment.

(b) The Statewide Public Guardianship Office shall adopt a rule detailing the acceptable methods for completing a credit investigation under this section. If appropriate, the Statewide Public Guardianship Office may administer credit investigations. If the office chooses to administer the credit investigation, the office may adopt a rule setting a fee, not to exceed \$25, to reimburse the costs associated with the administration of a credit investigation.

(5) The Statewide Public Guardianship Office may inspect at any time the results of any credit or criminal investigation of a public or professional guardian conducted under this section. The office shall maintain copies of the credit or criminal history record results in the guardian's registration file. If the results of a credit or criminal investigation of a public or professional guardian have not been forwarded to the Statewide Public Guardianship Office by the investigating agency, the clerk of the court shall forward copies of the results of the investigations to the office upon receiving them.

~~(1) Upon receiving the results of a credit or criminal investigation of any public or professional guardian, the clerk of the court shall forward copies of the results to the Statewide Public Guardianship Office in order that the results may be maintained in the guardian's registration file.~~

(6)(2) The requirements of this section do ~~does~~ not apply to a professional guardian, or to the employees of a professional guardian, which is a trust company, a state banking corporation or state savings association authorized and qualified to exercise fiduciary powers in this state, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in this state.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 9, after the semicolon (;) insert: amending s. 744.3135, F.S.; providing procedures for completing a guardian's criminal history record check; authorizing a guardian to use electronic fingerprinting equipment that is available for criminal history record checks of public employees; providing that a guardian need not be rescreened

if he or she uses certain electronic fingerprinting equipment; requiring the Department of Law Enforcement to retain electronically submitted fingerprints and to enter them into the statewide automated fingerprint identification system; requiring the department to search all fingerprint cards received from each guardian and each employee of such guardian against fingerprints retained in the statewide automated fingerprint identification system; requiring a guardian to pay an annual fee to the clerk of court for the background investigation; requiring a guardian and each employee of such guardian to complete an investigation of his or her credit history; requiring the Statewide Public Guardianship Office to adopt a rule for credit investigations of guardians; authorizing the office to inspect the results of any criminal or credit investigation;

Amendment 3 (681108)(with title amendment)—On page 23, lines 9-29, delete those lines and insert:

Section 11. Present subsection (4) of section 744.341, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

744.341 Voluntary guardianship.—

(4) A guardian must include in the annual report filed with the court a certificate from a licensed physician who examined the ward not more than 90 days before the annual report is filed with the court. The certificate must certify that the ward is competent to understand the nature of the guardianship and of the ward's authority to delegate powers to the voluntary guardian.

(5)(4) A voluntary guardianship may be terminated by the ward by filing a notice with the court that the voluntary guardianship is terminated. A copy of the notice must be served on all interested persons.

And the title is amended as follows:

On page 3, lines 3-5, delete those lines and insert: report; amending s.

Amendment 4 (664122)(with title amendment)—On page 36, lines 3-19, delete those lines and insert:

Section 26. Subsections (5) through (8) of section 744.708, Florida Statutes, are amended to read:

744.708 Reports and standards.—

(5)(a) Each office of public guardian shall undergo an independent audit by a qualified certified public accountant ~~shall be performed at least once every 2 years. The audit should include an investigation into the practices of the office for managing the person and property of the wards.~~ A copy of the audit report shall be submitted to the Statewide Public Guardianship Office.

(b) In addition to regular monitoring activities, the Statewide Public Guardianship Office shall conduct an investigation into the practices of each office of public guardian related to the managing of the personal affairs and property of each ward. When feasible, the investigation required under this paragraph should be conducted in conjunction with the financial audit of each office.

(c) In addition, each the office of public guardian shall be subject to audits or examinations by the Auditor General and the Office of Program Policy Analysis and Government Accountability pursuant to law.

(6) A ~~The~~ public guardian shall ensure that each of the guardian's wards is personally visited ~~ward is seen~~ by the public guardian or by a professional staff person of the public guardian at least once each calendar quarter ~~four times a year~~. During this personal visit, the public guardian or the professional staff person shall assess:

(a) The ward's physical and mental appearance and condition;

(b) The appropriateness of the ward's current living situation; and

(c) The need for any additional services and the necessity for continuation of existing services, taking into consideration all aspects of social, psychological, educational, direct service, health, and personal care needs.

(7) The ratio for professional staff to wards shall be 1 professional to 40 wards. The Statewide Public Guardianship Office may increase or

decrease the ratio after consultation with the local public guardian and the chief judge of the circuit court. The basis of the decision to increase or decrease the prescribed ratio shall be reported in the annual report to the *Secretary of Elderly Affairs*, the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

~~(8) The term “professional,” for purposes of this part, shall not include the public guardian nor the executive director of the Statewide Public Guardianship Office. The term “professional” shall be limited to those persons who exercise direct supervision of individual wards under the direction of the public guardian.~~

And the title is amended as follows:

On page 5, line 4, after the semicolon (;) insert: requiring each office of public guardian to undergo an audit; requiring the Statewide Public Guardianship Office to conduct an investigation into the practices of each office of public guardian; requiring a report to the Secretary of Elderly Affairs; deleting a definition;

Pursuant to Rule 4.19, **CS for CS for SB 472** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, by two-thirds vote **HB 459** was withdrawn from the Committees on Judiciary; Children and Families; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Saunders, by two-thirds vote—

HB 459—A bill to be entitled An act relating to public records; amending s. 744.7082, F.S.; creating an exemption from public records requirements for identifying information of persons making a donation of funds or property to the direct-support organization of the Statewide Public Guardianship Office; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 474** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 459** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

CS for CS for SB 132—A bill to be entitled An act relating to affordable housing; creating ss. 125.379 and 166.0451, F.S., relating to counties and municipalities, respectively; requiring county and municipal staff to prepare an inventory list of all real property to which the county or municipality holds fee simple title by a specified date and triennially thereafter; requiring planning staff to identify real property that is appropriate for use as affordable housing; specifying a time period for completion of the inventory and identification of surplus real property; requiring public hearings; requiring the county or municipality to approve the inventory list; specifying a time for the first public hearing and adoption of the resolution; requiring that the properties identified as appropriate for use as affordable housing to become immediately available; prescribing the options the county or municipality have to dispose of the surplus lands for affordable housing; providing requirements for certain deed restrictions; providing definitions; amending s. 163.31771, F.S.; conforming cross-references; providing a statement of important state interest; amending s. 189.4155, F.S.; authorizing a special district to provide housing and housing assistance for employees; amending s. 191.006, F.S.; authorizing an independent special district to provide housing and housing assistance for its employees; amending s. 197.252, F.S.; decreasing the age and increasing the income threshold required for eligibility to defer ad valorem property taxes; decreasing the maximum interest rate that may be charged on deferred ad valorem taxes; amending s. 201.15, F.S.; revising certain provisions relating to Everglades Restoration bonds; correcting a cross reference; amending s. 215.619, F.S.; revising certain provisions relating to Everglades restoration bonds; amending s. 253.034, F.S.; authorizing a local government to request that state lands be declared surplus lands in order to provide affordable housing; providing options for disposing of surplus state lands that are used for affordable housing; deleting obsolete provisions;

amending s. 295.16, F.S.; expanding an exemption from certain fees relating to structural improvements to a disabled veteran's residence; amending s. 380.06, F.S.; revising the criteria under which a proposed change to the development constitutes a substantial deviation; amending s. 380.0651, F.S.; revising the statewide guidelines for developments of regional impact to review certain types of developments; amending s. 420.0004, F.S.; defining the term “extremely-low-income persons”; amending s. 420.503, F.S.; redefining the term “farmworker” for purposes of the use of certain federal funds by the Florida Housing Finance Corporation; amending s. 420.507, F.S.; revising certain loan and interest rate provisions relating to the State Apartment Incentive Loan Program; authorizing the use of loans issued under the Florida Homeownership Assistance Program for property acquisition; authorizing the Florida Housing Finance Corporation to establish subsidiary business entities for specified purposes; authorizing the Florida Housing Finance Corporation to adopt rules allowing the corporation to take action to avoid default of program loans; authorizing the Florida Housing Finance Corporation to adopt rules requiring the reporting of certain data concerning housing financed through corporation programs; amending s. 420.5087, F.S.; revising the population thresholds for the categories used to allocate funds to counties under the State Apartment Incentive Loan Program; reducing the percentage of the loan amount which the sponsor of a housing community for the elderly must commit to match in order to receive the loan under the State Apartment Incentive Loan Program; providing that certain loans made under the State Apartment Incentive Loan Program may be made coterminous with other liens that have terms in excess of 15 years; authorizing the Florida Housing Finance Corporation to waive certain requirements for projects that serve extremely-low-income families; deleting certain obsolete provisions; providing for the inclusion of housing units for extremely-low-income families as a criterion in the competitive application process; clarifying the Florida Housing Finance Corporation's authority regarding the sale, transfer, or refinancing of certain projects; amending s. 420.5088, F.S.; providing that the Homeownership Assistance Program may assist moderate-income persons in purchasing a home; increasing the income limit served by the Homeownership Assistance Program; increasing the limit on loan amounts for homes purchased through the Homeownership Assistance Program; increasing the percentage of the state or local median income below which personal or family income must fall in order to purchase a home under the Florida Homeownership Assistance Program; deleting a provision requiring the reservation of certain housing funds for a period of 9 months; amending s. 420.9072, F.S.; conforming cross-references; amending s. 420.9075, F.S.; providing components to be included in the local housing assistance plan; providing for calculating the average area purchase price for eligible housing under the State Housing Initiatives Partnership Act in the manner established by the United States Department of the Treasury; creating the Community Workforce Housing Innovation Pilot Program; providing legislative findings; requiring the program to provide funds for the housing needs of specified entities; providing certain incentives for program applicants; providing for funding and conditions for funding; requiring the Florida Housing Finance Corporation to establish selection criteria for applicants; amending s. 420.9079, F.S.; authorizing the Florida Housing Finance Corporation to request certain funds for compliance monitoring; amending s. 1001.42, F.S.; authorizing school district boards to provide lands for purposes of affordable housing for certain teachers and other instructional personnel; directing the Department of Community Affairs to develop a model residential density bonus ordinance for use by local governments; reenacting ss. 161.05301(1), 161.091(3), 370.0603(3), 420.5092(5) and (6), 420.9073, 1013.64(7), and 1013.738(4), F.S., relating to beach erosion control projects, beach management funding, the Marine Resources Conservation Trust Fund, the Florida Affordable Housing Guarantee Program, distributions for local housing programs, comprehensive educational plant needs, and a high growth grant program, respectively, to incorporate the amendments made to s. 201.15, F.S., in a reference thereto; reenacting s. 196.1978, F.S., relating to affordable housing property tax exemption, to incorporate the amendments made to s. 402.0004, F.S., in references thereto; amending s. 212.08, F.S.; correcting cross-references; reenacting s. 420.503(19), F.S., relating to defining terms for the Florida Housing Finance Corporation, to incorporate the amendments made to s. 420.5087, F.S., in a reference thereto; reenacting s. 420.5061, F.S., relating to the transfer of assets and liabilities to the Florida Housing Finance Corporation, to incorporate the amendments made to s. 420.5088, F.S., in a reference thereto; reenacting s. 420.9071(25), F.S., relating to definitions pertaining to the state housing initiatives partnership, to incorporate the amendments made to s. 420.9075, F.S., in a reference thereto; repealing ss. 420.37 and 420.530, F.S., relating to certain powers of the Florida Housing Finance

Corporation and the state farmworker pilot loan program, respectively; authorizing the corporation to provide funds for eligible entities for affordable housing recovery in those counties that were declared eligible for disaster funding after the hurricanes of 2004 and 2005 and that sustained housing damage due to those storms; authorizing the corporation to adopt emergency rules; providing an appropriation to the Florida Housing Finance Corporation to provide housing units for extremely-low-income persons; providing an appropriation to the Florida Housing Finance Corporation to implement the Community Workforce Housing Innovation Pilot Program; providing an appropriation to the Florida Housing Finance Corporation for hurricane housing recovery; providing an appropriation to the Department of Community Affairs for the Century Commission for a Sustainable Florida; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 132** to **HB 1363**.

Pending further consideration of **CS for CS for SB 132** as amended, on motion by Senator Bennett, by two-thirds vote **HB 1363** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Productivity; Banking and Insurance; Judiciary; and Ways and Means.

On motion by Senator Bennett, the rules were waived and—

HB 1363—A bill to be entitled An act relating to affordable housing; creating s. 125.379, F.S.; providing for disposition of county property for affordable housing; amending s. 163.31771, F.S., relating to accessory dwelling units; revising legislative findings and definitions; conforming cross-references; creating s. 163.31772, F.S.; providing legislative findings and intent relating to changes in land use affecting mobile home parks; providing definitions; providing requirements for local governments and community redevelopment agencies regarding specified funding sources to provide financial assistance to certain mobile home owners; providing requirements for mobile home owners to qualify for financial assistance; authorizing local governments to permit and approve rezoning of property for the development of new mobile home parks; providing that a local government or redevelopment agency may enter into a development agreement with the owner of a mobile home park to encourage its continued use for affordable housing; providing rulemaking authority; limiting the length of certain development agreements; amending s. 163.3187, F.S.; revising a limitation relating to small scale comprehensive plan amendments involving the construction of affordable housing units; creating s. 166.0451, F.S.; providing for disposition of municipal property for affordable housing; amending s. 189.4155, F.S.; authorizing independent special districts to provide for housing and housing assistance; amending s. 191.006, F.S.; authorizing independent special fire control districts to provide employee housing and housing assistance; creating s. 193.018, F.S.; creating the Manny Diaz Affordable Housing Property Tax Relief Initiative; providing criteria for assessing just valuation of affordable housing properties serving persons of low, moderate, very-low, and extremely-low incomes; amending s. 196.1978, F.S.; specifying what constitutes a nonprofit entity for purposes of affordable housing property tax exemption; conforming cross-references; amending s. 253.034, F.S.; providing for the disposition of state lands for affordable housing; amending s. 253.0341, F.S.; authorizing local governments to request state lands be declared surplus for the purpose of affordable housing; providing for use of lands that are declared surplus; amending s. 295.16, F.S.; expanding the disabled veteran exemption from certain license and permit fees relating to dwelling improvements; amending s. 376.30781, F.S.; providing tax credits for eligible applicants; amending s. 380.06, F.S.; providing a greater substantial deviation threshold for the provision of affordable housing in a development of regional impact; conforming cross-references; amending s. 380.0651, F.S.; providing a statewide guidelines and standards bonus for the provision of workforce housing; amending s. 420.0004, F.S.; defining the term “extremely-low-income persons”; conforming cross-references; amending s. 420.37, F.S., relating to additional powers of the Florida Housing Finance Corporation; providing for additional powers of the Florida Department of Community Affairs; amending s. 420.503, F.S.; revising the definition of the term “farmworker” under the Florida Housing Finance Corporation Act; providing rulemaking authority; amending s. 420.5061, F.S.; conforming a cross-reference; amending s. 420.507, F.S.; revising and expanding the powers of the Florida Housing Finance Corporation relating to mortgage loan interest rates, loans, loan relief, uses of loan funds, subsidiary business entities, and data report-

ing; providing rulemaking authority; amending s. 420.5087, F.S.; increasing the population criteria for the State Apartment Incentive Loan Program; revising criteria for loans; conforming cross-references; amending s. 420.5088, F.S.; expanding the scope of the Florida Homeownership Assistance Program; revising loan requirements; deleting a provision reserving program funds for certain borrowers; repealing s. 420.530, F.S., relating to the State Farm Worker Housing Pilot Loan Program; amending s. 420.9071, F.S.; conforming a cross-reference; amending s. 420.9072, F.S.; conforming cross-references; amending s. 420.9075, F.S.; requiring local housing assistance plans to define essential service personnel for the county or eligible municipality and to contain a strategy for the recruitment and retention of such personnel; amending s. 420.9076, F.S.; conforming a cross-reference; amending s. 420.9079, F.S.; revising the maximum appropriation the Florida Housing Finance Corporation may request each state fiscal year; conforming a cross-reference; amending s. 1001.43, F.S.; authorizing district school boards to use certain school sites to provide sites for affordable housing for teachers and other district personnel; amending s. 723.0612, F.S.; requiring local governments to allow the owner of a mobile home or a recreational vehicle park to change the use of park land to a single-family residential or multi-family land use under certain conditions; creating the Community Workforce Housing Innovation Pilot Program; providing legislative findings; providing definitions; providing the Florida Housing Finance Corporation with certain powers and responsibilities relating to the program; requiring the program to target certain entities; providing application requirements; authorizing an applicant to use a nonprofit or public entity to manage its housing program; providing incentives for program applicants; providing rulemaking authority; requires a report to the Governor and Legislature; authorizing local governments to provide density bonus incentives to landowners who donate fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing; providing definitions and requirements governing such donations and density bonuses; requiring the Department of Community Affairs to establish a Home Retrofit Hardening Program and establishing requirements for the program; requiring the Department of Community Affairs to establish a Disaster Recovery Assistance Program and establishing requirements for the program; authorizing the Florida Housing Finance Corporation to provide funds to eligible entities for affordable housing recovery in areas of the state sustaining hurricane damage due to hurricanes during 2004 and 2005; providing legislative findings and emergency rulemaking authority; providing appropriations; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 132** as amended and read the second time by title.

MOTION

On motion by Senator Bennett, the rules were waived to allow the following amendment to be considered:

Senator Bennett moved the following amendment which was adopted:

Amendment 1 (460562)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 125.379, Florida Statutes, is created to read:

125.379 Disposition of county property for affordable housing.—

(1) *By July 1, 2007, and every 3 years thereafter, each county shall prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the county shall adopt a resolution that includes an inventory list of such property following the public hearing.*

(2) *The properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent*

affordable housing. Alternatively, the county may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term "affordable" has the same meaning as in s. 420.0004(3).

Section 2. Subsections (1) and (4) and paragraphs (b), (d), (e), and (f) of subsection (2) of section 163.31771, Florida Statutes, are amended, and paragraph (g) is added to subsection (2) of that section, to read:

163.31771 Accessory dwelling units.—

(1) The Legislature finds that the median price of homes in this state has increased steadily over the last decade and at a greater rate of increase than the median income in many urban areas. The Legislature finds that the cost of rental housing has also increased steadily and the cost often exceeds an amount that is affordable to *extremely-low-income*, very-low-income, low-income, or moderate-income persons and has resulted in a critical shortage of affordable rentals in many urban areas in the state. This shortage of affordable rentals constitutes a threat to the health, safety, and welfare of the residents of the state. Therefore, the Legislature finds that it serves an important public purpose to encourage the permitting of accessory dwelling units in single-family residential areas in order to increase the availability of affordable rentals for *extremely-low-income*, very-low-income, low-income, or moderate-income persons.

(2) As used in this section, the term:

(b) "Affordable rental" means that monthly rent and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for *extremely-low-income*, very-low-income, low-income, or moderate-income persons.

(d) "Low-income persons" has the same meaning as in s. 420.0004(10)(9).

(e) "Moderate-income persons" has the same meaning as in s. 420.0004(11)(10).

(f) "Very-low-income persons" has the same meaning as in s. 420.0004(15)(14).

(g) "*Extremely-low-income persons*" has the same meaning as in s. 420.0004(8).

(4) If the local government adopts an ordinance under this section, an application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an *extremely-low-income*, a very-low-income, low-income, or moderate-income person or persons.

Section 3. Paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, is amended to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small scale development amendment may be adopted only under the following conditions:

1. The proposed amendment involves a use of 10 acres or fewer and:

a. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government shall not exceed:

(I) A maximum of 120 acres in a local government that contains areas specifically designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e); however, amendments under this paragraph may be applied to no more than 60 acres

annually of property outside the designated areas listed in this sub-sub-paragraph. Amendments adopted pursuant to paragraph (k) shall not be counted toward the acreage limitations for small scale amendments under this paragraph.

(II) A maximum of 80 acres in a local government that does not contain any of the designated areas set forth in sub-sub-paragraph (I).

(III) A maximum of 120 acres in a county established pursuant to s. 9, Art. VIII of the State Constitution.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. 420.0004(3), and is located within an area of critical state concern designated by s. 380.0552 or by the Administration Commission pursuant to s. 380.05(1). Such amendment is not subject to the density limitations of sub-subparagraph f., and shall be reviewed by the state land planning agency for consistency with the principles for guiding development applicable to the area of critical state concern where the amendment is located and shall not become effective until a final order is issued under s. 380.05(6).

f. If the proposed amendment involves a residential land use, the residential land use has a density of 10 units or less per acre or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential density allowable under the existing future land use category, except that this limitation does not apply to small scale amendments involving the construction of affordable housing units meeting the criteria of s. 420.0004(3) on property which will be the subject of a land use restriction agreement or extended use agreement recorded in conjunction with the issuance of tax exempt bond financing or an allocation of federal tax credits issued through the Florida Housing Finance Corporation or a local housing finance authority authorized by the Division of Bond Finance of the State Board of Administration, or small scale amendments described in sub-sub-paragraph a.(I) that are designated in the local comprehensive plan for urban infill, urban redevelopment, or downtown revitalization as defined in s. 163.3164, urban infill and redevelopment areas designated under s. 163.2517, transportation concurrency exception areas approved pursuant to s. 163.3180(5), or regional activity centers and urban central business districts approved pursuant to s. 380.06(2)(e).

2.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions in s. 125.66(4)(a) for a county or in s. 166.041(3)(c) for a municipality. If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high-hazard area as identified in the local comprehensive plan.

3. Small scale development amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

4. If the small scale development amendment involves a site within an area that is designated by the Governor as a rural area of critical economic concern under s. 288.0656(7) for the duration of such designation, the 10-acre limit listed in subparagraph 1. shall be increased by 100 percent to 20 acres. The local government approving the small scale plan amendment shall certify to the Office of Tourism, Trade, and Economic Development that the plan amendment furthers the economic objectives set forth in the executive order issued under s. 288.0656(7), and the property subject to the plan amendment shall undergo public review to ensure that all concurrency requirements and federal, state, and local environmental permit requirements are met.

Section 4. Section 166.0451, Florida Statutes, is created to read:

166.0451 *Disposition of municipal property for affordable housing.—*

(1) *By July 1, 2007, and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within its jurisdiction to which the municipality holds fee simple title that is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved. The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property.*

(2) *The properties identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be offered for sale and the proceeds may be used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the municipality may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term "affordable" has the same meaning as in s. 420.0004(3).*

Section 5. *The Legislature finds that providing affordable housing is vitally important to the health, safety, and welfare of the residents of this state. Furthermore, the Legislature finds that escalating property values and development costs have contributed to the inadequate supply of housing for low- and moderate-income residents of this state. The Legislature further finds that there is a shortage of sites available for housing for persons and families with low and moderate incomes and that surplus government land, when appropriate, should be made available for that purpose. Therefore, the Legislature determines and declares that this act fulfills an important state interest.*

Section 6. Subsection (6) is added to section 189.4155, Florida Statutes, to read:

189.4155 *Activities of special districts; local government comprehensive planning.—*

(6) *Any independent district created under a special act or general law, including, but not limited to, chapter 189, chapter 190, chapter 191, or chapter 298, for the purpose of providing urban infrastructure of services may provide housing and housing assistance for its employed personnel whose total annual household income does not exceed 140 percent of the area median income, adjusted for family size.*

Section 7. Subsection (19) is added to section 191.006, Florida Statutes, to read:

191.006 *General powers.—*The district shall have, and the board may exercise by majority vote, the following powers:

(19) *To provide housing or housing assistance for its employed personnel whose total annual household income does not exceed 140 percent of the area median income, adjusted for family size.*

Section 8. Paragraph (b) of subsection (2) and subsection (4) of section 197.252, Florida Statutes, are amended to read:

197.252 *Homestead tax deferral.—*

(2)

(b) ~~If in the event~~ the applicant is entitled to claim the increased exemption by reason of age and residency as provided in s. 196.031(3)(a), approval of ~~the such~~ application shall defer that portion of ~~the such~~ ad valorem taxes plus non-ad valorem assessments which exceeds 3 percent of the applicant's ~~household household's~~ income for the prior calendar year. If any ~~such~~ applicant's household income for the prior calendar year is less than \$10,000, or is less than ~~the amount of the household income designated for the additional homestead exemption pursuant to s. 196.075, and the \$12,000 if such~~ applicant is 65 ~~70~~ years of age or older, approval of ~~the such~~ application shall defer ~~the such~~ ad valorem taxes plus non-ad valorem assessments in their entirety.

(4) The amount of taxes, non-ad valorem assessments, and interest deferred ~~under pursuant to~~ this act shall accrue interest at a rate equal to the semiannually compounded rate of one-half of 1 percent plus the average yield to maturity of the long-term fixed-income portion of the Florida Retirement System investments as of the end of the quarter preceding the date of the sale of the deferred payment tax certificates; however, the interest rate may not exceed 7 ~~9.5~~ percent.

Section 9. Paragraph (f) of subsection (6) of section 253.034, Florida Statutes, is amended to read:

253.034 *State-owned lands; uses.—*

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplus. For conservation lands, the board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by an affirmative vote of at least three members. In the case of a land exchange involving the disposition of conservation lands, the board must determine by an affirmative vote of at least three members that the exchange will result in a net positive conservation benefit. For all other lands, the board shall make a determination that the lands are no longer needed and may dispose of them by an affirmative vote of at least three members.

(f)1. In reviewing lands owned by the board, the council shall consider whether such lands would be more appropriately owned or managed by the county or other unit of local government in which the land is located. The council shall recommend to the board whether a sale, lease, or other conveyance to a local government would be in the best interests of the state and local government. The provisions of this paragraph in no way limit the provisions of ss. 253.111 and 253.115. Such lands shall be offered to the state, county, or local government for a period of 30 days. Permissible uses for such surplus lands may include public schools; public libraries; fire or law enforcement substations; ~~and~~ governmental, judicial, or recreational centers; ~~and affordable housing meeting the criteria of s. 420.0004(3).~~ County or local government requests for surplus lands shall be expedited throughout the surplus process. If the county or local government does not elect to purchase such lands in accordance with s. 253.111, then any surplus determination involving other governmental agencies shall be made upon the board deciding the best public use of the lands. Surplus properties in which governmental agencies have expressed no interest shall then be available for sale on the private market.

2. Notwithstanding subparagraph 1., any surplus lands that were acquired by the state prior to 1958 by a gift or other conveyance for no consideration from a municipality, and which the department has filed by July 1, 2006, a notice of its intent to surplus, shall be first offered for reconveyance to such municipality at no cost, but for the fair market value of any building or other improvements to the land, unless otherwise provided in a deed restriction of record. This subparagraph expires July 1, 2006.

Section 10. Section 253.0341, Florida Statutes, is amended to read:

253.0341 *Surplus of state-owned lands to counties or local governments.—*Counties and local governments may submit surplus requests for state-owned lands directly to the board of trustees. County or local government requests for the state to surplus conservation or non-conservation lands, whether for purchase or exchange, shall be expedited throughout the surplus process. Property jointly acquired by the state and other entities shall not be surplus without the consent of all joint owners.

(1) The decision to surplus state-owned nonconservation lands may be made by the board without a review of, or a recommendation on, the

request from the Acquisition and Restoration Council or the Division of State Lands. Such requests for nonconservation lands shall be considered by the board within 60 days of the board's receipt of the request.

(2) County or local government requests for the surplusing of state-owned conservation lands are subject to review of, and recommendation on, the request to the board by the Acquisition and Restoration Council. Requests to surplus conservation lands shall be considered by the board within 120 days of the board's receipt of the request.

(3) *A local government may request that state lands be specifically declared surplus lands for the purpose of providing affordable housing. The request shall comply with the requirements of subsection (1) if the lands are nonconservation lands or subsection (2) if the lands are conservation lands. Surplus lands that are conveyed to a local government for affordable housing shall be disposed of by the local government under the provisions of s. 125.379 or s. 166.0451.*

Section 11. Section 295.16, Florida Statutes, is amended to read:

295.16 Disabled veterans exempt from certain license or permit fee.—No totally and permanently disabled veteran who is a resident of Florida and honorably discharged from the Armed Forces, who has been issued a valid identification card by the Department of Veterans' Affairs in accordance with s. 295.17 or has been determined by the United States Department of Veterans Affairs or its predecessor to have a service-connected 100-percent disability rating for compensation, or who has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the uniformed armed services, shall be required to pay any license or permit fee, by whatever name known, to any county or municipality in order to make improvements upon a *dwelling mobile home* owned by the veteran which is used as the veteran's residence, provided such improvements are limited to ramps, widening of doors, and similar improvements for the purpose of making the *dwelling mobile home* habitable for veterans confined to wheelchairs.

Section 12. Paragraphs (b) and (e) of subsection (19) of section 380.06, Florida Statutes, are amended, and paragraph (i) is added to that subsection, to read:

380.06 Developments of regional impact.—

(19) SUBSTANTIAL DEVIATIONS.—

(b) Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the following criteria shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review without the necessity for a finding of same by the local government:

1. An increase in the number of parking spaces at an attraction or recreational facility by 5 percent or 300 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 5 percent or 1,000 spectators, whichever is greater.

2. A new runway, a new terminal facility, a 25-percent lengthening of an existing runway, or a 25-percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.

3. An increase in the number of hospital beds by 5 percent or 60 beds, whichever is greater.

4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater.

5. An increase in the average annual acreage mined by 5 percent or 10 acres, whichever is greater, or an increase in the average daily water consumption by a mining operation by 5 percent or 300,000 gallons, whichever is greater. An increase in the size of the mine by 5 percent or 750 acres, whichever is less. An increase in the size of a heavy mineral mine as defined in s. 378.403(7) will only constitute a substantial deviation if the average annual acreage mined is more than 500 acres and consumes more than 3 million gallons of water per day.

6. An increase in land area for office development by 5 percent or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater.

7. An increase in the storage capacity for chemical or petroleum storage facilities by 5 percent, 20,000 barrels, or 7 million pounds, whichever is greater.

8. An increase of development at a waterport of wet storage for 20 watercraft, dry storage for 30 watercraft, or wet/dry storage for 60 watercraft in an area identified in the state marina siting plan as an appropriate site for additional waterport development or a 5-percent increase in watercraft storage capacity, whichever is greater.

9. An increase in the number of dwelling units by 5 percent or 50 dwelling units, whichever is greater.

10. *An increase in the number of dwelling units by 50 percent, or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.*

11.10. An increase in commercial development by 50,000 square feet of gross floor area or of parking spaces provided for customers for 300 cars or a 5-percent increase of either of these, whichever is greater.

12.11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is greater.

13.12. An increase in a recreational vehicle park area by 5 percent or 100 vehicle spaces, whichever is less.

14.13. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.

15.14. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 100 percent has been reached or exceeded.

16.15. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

17.16. Any change which would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The further refinement of such areas by survey shall be considered under sub-subparagraph (e)5.b.

The substantial deviation numerical standards in subparagraphs 4., 6., 10., 11., and 15. 14., excluding residential uses, and 16. 15., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Office of Tourism, Trade, and Economic Development as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 4., 6., 9., 10., 11., 12., and 15. 14. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.

(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order

that individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-16. ~~(b)1.-15,~~ and does not exceed any other criterion, or that involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice shall include a description of previous individual changes made to the development, including changes previously approved by the local government, and shall include appropriate amendments to the development order.

2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:

- a. Changes in the name of the project, developer, owner, or monitoring official.
- b. Changes to a setback that do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.
- c. Changes to minimum lot sizes.
- d. Changes in the configuration of internal roads that do not affect external access points.
- e. Changes to the building design or orientation that stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.
- f. Changes to increase the acreage in the development, provided that no development is proposed on the acreage to be added.
- g. Changes to eliminate an approved land use, provided that there are no additional regional impacts.
- h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, provided that these changes do not create additional regional impacts.
- i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.
- j. Any other change which the state land planning agency agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-i. and which does not create the likelihood of any additional regional impact.

This subsection does not require a development order amendment for any change listed in sub-subparagraphs a.-j. unless such issue is addressed either in the existing development order or in the application for development approval, but, in the case of the application, only if, and in the manner in which, the application is incorporated in the development order.

3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.

4. Any submittal of a proposed change to a previously approved development shall include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.

5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence.

- a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.

b. Except for the types of uses listed in subparagraph (b)17. ~~(b)16,~~ any change which would result in the development of any area which was specifically set aside in the application for development approval or in the development order for preservation, buffers, or special protection, including habitat for plant and animal species, archaeological and historical sites, dunes, and other special areas.

c. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c), (d), (f), and (g) and residential use.

(i) *An increase in the number of residential dwelling units shall not constitute a substantial deviation and shall not be subject to development-of-regional-impact review for additional impacts, provided that all the residential dwelling units are dedicated to affordable workforce housing and the total number of new residential units does not exceed 200 percent of the substantial deviation threshold. The affordable workforce housing shall be subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.*

Section 13. Paragraph (k) of subsection (3) of section 380.0651, Florida Statutes, is redesignated as paragraph (l), and a new paragraph (k) is added to that subsection, to read:

380.0651 Statewide guidelines and standards.—

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(k) *Workforce housing.—The applicable guidelines for residential development and the residential component for multiuse development shall be increased by 50 percent where the developer demonstrates that at least 15 percent of the total residential dwelling units authorized within the development of regional impact will be dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For the purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.*

Section 14. Section 420.0004, Florida Statutes, is amended to read:

420.0004 Definitions.—As used in this part, unless the context otherwise indicates:

(1) "Adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility determined as provided in subsection (8), subsection (10) ~~(9)~~, subsection (11) ~~(10)~~, or subsection (15) ~~(14)~~, based upon a formula as established by the United States Department of Housing and Urban Development.

(2) “Adjusted gross income” means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under s. 62 of the Internal Revenue Code.

(3) “Affordable” means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households as indicated in *subsection (8), subsection (10) (9), subsection (11) (10), or subsection (15) (14).*

(4) “Corporation” means the Florida Housing Finance Corporation.

(5) “Community-based organization” or “nonprofit organization” means a private corporation organized under chapter 617 to assist in the provision of housing and related services on a not-for-profit basis and which is acceptable to federal and state agencies and financial institutions as a sponsor of low-income housing.

(6) “Department” means the Department of Community Affairs.

(7) “Elderly” describes persons 62 years of age or older.

(8) *“Extremely-low-income persons” means one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely-low-income may exceed 30 percent of area median income and that in higher income counties, extremely-low-income may be less than 30 percent of area median income.*

(9)(8) “Local public body” means any county, municipality, or other political subdivision, or any housing authority as provided by chapter 421, which is eligible to sponsor or develop housing for farmworkers and very-low-income and low-income persons within its jurisdiction.

(10)(9) “Low-income persons” means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(11)(10) “Moderate-income persons” means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(12)(11) “Student” means any person not living with his or her parent or guardian who is eligible to be claimed by his or her parent or guardian as a dependent under the federal income tax code and who is enrolled on at least a half-time basis in a secondary school, career center, community college, college, or university.

(13)(12) “Substandard” means:

(a) Any unit lacking complete plumbing or sanitary facilities for the exclusive use of the occupants;

(b) A unit which is in violation of one or more major sections of an applicable housing code and where such violation poses a serious threat to the health of the occupant; or

(c) A unit that has been declared unfit for human habitation but that could be rehabilitated for less than 50 percent of the property value.

(14)(13) “Substantial rehabilitation” means repair or restoration of a dwelling unit where the value of such repair or restoration exceeds 40 percent of the value of the dwelling.

(15)(14) “Very-low-income persons” means one or more natural persons or a family, not including students, the total annual adjusted gross

household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

Section 15. Subsection (18) of section 420.503, Florida Statutes, is amended to read:

420.503 Definitions.—As used in this part, the term:

(18)(a) “Farmworker” means a laborer who is employed on a seasonal, temporary, or permanent basis in the planting, cultivating, harvesting, or processing of agricultural or aquacultural products and who derived at least 50 percent of her or his income in the immediately preceding 12 months from such employment.

(b) “Farmworker” also includes a person who has retired as a laborer due to age, disability, or illness. In order to be considered retired as a farmworker due to age under this part, a person must be 50 years of age or older and must have been employed for a minimum of 5 years as a farmworker before retirement. In order to be considered retired as a farmworker due to disability or illness, a person must:

1.(a) Establish medically that she or he is unable to be employed as a farmworker due to that disability or illness.

2.(b) Establish that she or he was previously employed as a farmworker.

(c) *Notwithstanding paragraphs (a) and (b), when corporation-administered funds are used in conjunction with United States Department of Agriculture Rural Development funds, the term “farmworker” may mean a laborer who meets, at a minimum, the definition of “domestic farm laborer” as found in 7 C.F.R. s. 3560.11, as amended. The corporation may establish additional criteria by rule.*

Section 16. Section 420.5061, Florida Statutes, is amended to read:

420.5061 Transfer of agency assets and liabilities.—Effective January 1, 1998, all assets and liabilities and rights and obligations, including any outstanding contractual obligations, of the agency shall be transferred to the corporation as legal successor in all respects to the agency. The corporation shall thereupon become obligated to the same extent as the agency under any existing agreements and be entitled to any rights and remedies previously afforded the agency by law or contract, including specifically the rights of the agency under chapter 201 and part VI of chapter 159. The corporation is a state agency for purposes of s. 159.807(4)(a). Effective January 1, 1998, all references under Florida law to the agency are deemed to mean the corporation. The corporation shall transfer to the General Revenue Fund an amount which otherwise would have been deducted as a service charge pursuant to s. 215.20(1) if the Florida Housing Finance Corporation Fund established by s. 420.508(5), the State Apartment Incentive Loan Fund established by s. 420.5087(7), the Florida Homeownership Assistance Fund established by s. 420.5088(4)(5), the HOME Investment Partnership Fund established by s. 420.5089(1), and the Housing Predevelopment Loan Fund established by s. 420.525(1) were each trust funds. For purposes of s. 112.313, the corporation is deemed to be a continuation of the agency, and the provisions thereof are deemed to apply as if the same entity remained in place. Any employees of the agency and agency board members covered by s. 112.313(9)(a)6. shall continue to be entitled to the exemption in that subparagraph, notwithstanding being hired by the corporation or appointed as board members of the corporation. Effective January 1, 1998, all state property in use by the agency shall be transferred to and become the property of the corporation.

Section 17. Subsections (22), (23), and (40) of section 420.507, Florida Statutes, are amended, and subsections (44) and (45) are added to that section, to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(22) To develop and administer the State Apartment Incentive Loan Program. In developing and administering that program, the corporation may:

(a) Make first, second, and other subordinated mortgage loans including variable or fixed rate loans subject to contingent interest for all State Apartment Incentive Loans provided for in this chapter based upon available cash flow of the projects. The corporation shall make loans exceeding 25 percent of project cost available only to nonprofit organizations and public bodies which are able to secure grants, donations of land, or contributions from other sources and to projects meeting the criteria of subparagraph 1. Mortgage loans shall be made available at the following rates of interest:

1. Zero to 3 percent interest for sponsors of projects that *set aside at least maintain an 80 percent occupancy of their total units for residents* qualifying as farmworkers as defined in *this part s. 420.503(18)*, or commercial fishing workers as defined in *this part s. 420.503(5)*, or the homeless as defined in s. 420.621(4) over the life of the loan.

2. Zero to 3 percent interest based on the pro rata share of units set aside for homeless residents if the total of such units is less than 80 percent of the units in the borrower's project.

3. One ~~Three~~ to 9 percent interest for sponsors of projects targeted at populations other than farmworkers, commercial fishing workers, and the homeless.

(b) Make loans exceeding 25 percent of project cost when the project serves extremely-low-income persons.

(c) Forgive indebtedness for a share of the loan attributable to the units in a project reserved for extremely-low-income persons.

(d)(b) Geographically and demographically target the utilization of loans.

(e)(e) Underwrite credit, and reject projects which do not meet the established standards of the corporation.

(f)(d) Negotiate with governing bodies within the state after a loan has been awarded to obtain local government contributions.

(g)(e) Inspect any records of a sponsor at any time during the life of the loan or the agreed period for maintaining the provisions of s. 420.5087.

(h)(f) Establish, by rule, the procedure for evaluating, scoring, and competitively ranking all applications based on the criteria set forth in s. 420.5087(6)(c); determining actual loan amounts; making and servicing loans; and exercising the powers authorized in this subsection.

(i)(g) Establish a loan loss insurance reserve to be used to protect the outstanding program investment in case of a default, deed in lieu of foreclosure, or foreclosure of a program loan.

(23) To develop and administer the Florida Homeownership Assistance Program. In developing and administering the program, the corporation may:

(a)1. Make subordinated loans to eligible borrowers for down payments or closing costs related to the purchase of the borrower's primary residence.

2. Make permanent loans to eligible borrowers related to the purchase of the borrower's primary residence.

3. Make subordinated loans to nonprofit sponsors or developers of housing for *purchase of property, for construction, or for financing of housing to be offered for sale to eligible borrowers as a primary residence at an affordable price.*

(b) Establish a loan loss insurance reserve to supplement existing sources of mortgage insurance with appropriated funds.

(c) Geographically and demographically target the utilization of loans.

(d) Defer repayment of loans for the term of the first mortgage.

(e) Establish flexible terms for loans with an interest rate not to exceed 3 percent per annum and which are nonamortizing for the term of the first mortgage.

(f) Require repayment of loans upon sale, transfer, refinancing, or rental of secured property, *unless otherwise approved by the corporation.*

(g) Accelerate a loan for monetary default, for failure to provide the benefits of the loans to eligible borrowers, or for violation of any other restriction placed upon the loan.

(h) Adopt rules for the program and exercise the powers authorized in this subsection.

(40) To establish subsidiary *business entities corporations* for the purpose of taking title to and managing and disposing of property acquired by the corporation. Such subsidiary *business entities corporations* shall be public *business entities corporations* wholly owned by the corporation; shall be entitled to own, mortgage, and sell property on the same basis as the corporation; and shall be deemed *business entities corporations* primarily acting as an *agent agents* of the state, within the meaning of s. 768.28, on the same basis as the corporation. Any subsidiary *business entity* created by the corporation shall be subject to chapters 119, 120, and 286 to the same extent as the corporation. *The subsidiary business entities shall have authority to make rules necessary to conduct business and to carry out the purposes of this subsection.*

(44) To adopt rules for the intervention and negotiation of terms or other actions necessary to further program goals or avoid default of a program loan. Such rules must consider fiscal program goals and the preservation or advancement of affordable housing for the state.

(45) To establish by rule requirements for periodic reporting of data, including, but not limited to, financial data, housing market data, detailed economic and physical occupancy on multifamily projects, and demographic data on all housing financed through corporation programs and for participation in a housing locator system.

Section 18. Subsections (1), (3), (5), and (6) of section 420.5087, Florida Statutes, are amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(1) Program funds shall be distributed over successive 3-year periods in a manner that meets the need and demand for very-low-income housing throughout the state. That need and demand must be determined by using the most recent statewide low-income rental housing market studies available at the beginning of each 3-year period. However, at least 10 percent of the program funds distributed during a 3-year period must be allocated to each of the following categories of counties, as determined by using the population statistics published in the most recent edition of the Florida Statistical Abstract:

(a) Counties that have a population of 825,000 or more. ~~more than 500,000 people;~~

(b) Counties that have a population of more than ~~between~~ 100,000 but less than 825,000. ~~and 500,000 people; and~~

(c) Counties that have a population of 100,000 or less.

Any increase in funding required to reach the 10-percent minimum shall be taken from the county category that has the largest allocation. The corporation shall adopt rules which establish an equitable process for distributing any portion of the 10 percent of program funds allocated to the county categories specified in this subsection which remains unallocated at the end of a 3-year period. Counties that have a population of 100,000 or less shall be given preference under these rules.

(3) During the first 6 months of loan or loan guarantee availability, program funds shall be reserved for use by sponsors who provide the housing set-aside required in subsection (2) for the tenant groups designated in this subsection. The reservation of funds to each of these groups shall be determined using the most recent statewide very-low-income rental housing market study available at the time of publication of each notice of fund availability required by paragraph (6)(b). The reservation

of funds within each notice of fund availability to the tenant groups in paragraphs (a), (b), and (d) may not be less than 10 percent of the funds available at that time. Any increase in funding required to reach the 10-percent minimum shall be taken from the tenant group that has the largest reservation. The reservation of funds within each notice of fund availability to the tenant group in paragraph (c) may not be less than 5 percent of the funds available at that time. The tenant groups are:

- (a) Commercial fishing workers and farmworkers;
- (b) Families;
- (c) Persons who are homeless; and
- (d) Elderly persons. Ten percent of the amount reserved for the elderly shall be reserved to provide loans to sponsors of housing for the elderly for the purpose of making building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or lifesafety or security-related repairs or improvements to such housing. Such a loan may not exceed \$750,000 per housing community for the elderly. In order to receive the loan, the sponsor of the housing community must make a commitment to match at least 5 15 percent of the loan amount to pay the cost of such repair or improvement. The corporation shall establish the rate of interest on the loan, which may not exceed 3 percent, and the term of the loan, which may not exceed 15 years; *however, if the lien of the corporation's encumbrance is subordinate to the lien of another mortgagee, then the term may be made coterminous with the longest term of the superior lien.* The term of the loan shall be established on the basis of a credit analysis of the applicant. The corporation shall establish, by rule, the procedure and criteria for receiving, evaluating, and competitively ranking all applications for loans under this paragraph. A loan application must include evidence of the first mortgagee's having reviewed and approved the sponsor's intent to apply for a loan. A nonprofit organization or sponsor may not use the proceeds of the loan to pay for administrative costs, routine maintenance, or new construction.

(5) The amount of the mortgage provided under this program combined with any other mortgage in a superior position shall be less than the value of the project without the housing set-aside required by subsection (2). However, the corporation may waive this requirement for projects in rural areas or urban infill areas which have market rate rents that are less than the allowable rents pursuant to applicable state and federal guidelines, *and for projects which reserve units for extremely-low-income persons.* In no event shall the mortgage provided under this program combined with any other mortgage in a superior position exceed total project cost.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

- (a) The corporation shall establish two interest rates in accordance with s. 420.507(22)(a)1. and 3. 2.
- (b) The corporation shall publish a notice of fund availability in a publication of general circulation throughout the state. Such notice shall be published at least 60 days prior to the application deadline and shall provide notice of the temporary reservations of funds established in subsection (3).
- (c) The corporation shall provide by rule for the establishment of a review committee composed of the department and corporation staff and shall establish by rule a scoring system for evaluation and competitive ranking of applications submitted in this program, including, but not limited to, the following criteria:
 - 1. Tenant income and demographic targeting objectives of the corporation.
 - 2. Targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.
 - 3. Sponsor's agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period to exceed the minimum required by federal law or the provisions of this part.

4. Sponsor's agreement to reserve more than:

a. Twenty percent of the units in the project for persons or families who have incomes that do not exceed 50 percent of the state or local median income, whichever is higher; or

b. Forty percent of the units in the project for persons or families who have incomes that do not exceed 60 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.

5. Provision for tenant counseling.

6. Sponsor's agreement to accept rental assistance certificates or vouchers as payment for rent; ~~however, when certificates or vouchers are accepted as payment for rent on units set aside pursuant to subsection (2), the benefit must be divided between the corporation and the sponsor, as provided by corporation rule.~~

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost *except that the share of the loan attributable to units serving extremely-low-income persons shall be excluded from this requirement.*

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience.

13. Sponsor's ability to proceed with construction.

14. Projects that directly implement or assist welfare-to-work transitioning.

15. *Projects that reserve units for extremely-low-income persons.*

(d) The corporation may reject any and all applications.

(e) The corporation may approve and reject applications for the purpose of achieving geographic targeting.

(f) The review committee established by corporation rule pursuant to this subsection shall make recommendations to the board of directors of the corporation regarding program participation under the State Apartment Incentive Loan Program. The corporation board shall make the final ranking and the decisions regarding which applicants shall become program participants based on the scores received in the competitive ranking, further review of applications, and the recommendations of the review committee. The corporation board shall approve or reject applications for loans and shall determine the tentative loan amount available to each applicant selected for participation in the program. The actual loan amount shall be determined pursuant to rule adopted pursuant to s. 420.507(22)(h)(~~g~~).

(g) The loan term shall be for a period of not more than 15 years; however, if both a program loan and federal low-income housing tax credits are to be used to assist a project, the corporation may set the loan term for a period commensurate with the investment requirements associated with the tax credit syndication. The term of the loan may also exceed 15 years; *however, if the lien of the corporation's encumbrance is subordinate to the lien of another mortgagee, then the term may be made coterminous with the longest term of the superior lien necessary to conform to requirements of the Federal National Mortgage Association.* The corporation may renegotiate and extend the loan in order to extend the availability of housing for the targeted population. The term of a loan may not extend beyond the period for which the sponsor agrees to provide the housing set-aside required by subsection (2).

(h) The loan shall be subject to sale, transfer, or refinancing. *The sale, transfer, or refinancing of the loan shall be consistent with fiscal program goals and the preservation or advancement of affordable housing for the state. However, all requirements and conditions of the loan shall remain following sale, transfer, or refinancing.*

(i) The discrimination provisions of s. 420.516 shall apply to all loans.

(j) The corporation may require units dedicated for the elderly.

(k) Rent controls shall not be allowed on any project except as required in conjunction with the issuance of tax-exempt bonds or federal low-income housing tax credits *and except when the sponsor has committed to set aside units for extremely-low-income persons, in which case rents shall be restricted at the level applicable for federal low-income tax credits.*

(l) The proceeds of all loans shall be used for new construction or substantial rehabilitation which creates affordable, safe, and sanitary housing units.

(m) Sponsors shall annually certify the adjusted gross income of all persons or families qualified under subsection (2) at the time of initial occupancy, who are residing in a project funded by this program. All persons or families qualified under subsection (2) may continue to qualify under subsection (2) in a project funded by this program if the adjusted gross income of those persons or families at the time of annual recertification meets the requirements established in s. 142(d)(3)(B) of the Internal Revenue Code of 1986, as amended. If the annual recertification of persons or families qualifying under subsection (2) results in noncompliance with income occupancy requirements, the next available unit must be rented to a person or family qualifying under subsection (2) in order to ensure continuing compliance of the project. The corporation may waive the annual recertification if 100 percent of the units are set aside as affordable.

(n) Upon submission and approval of a marketing plan which demonstrates a good faith effort of a sponsor to rent a unit or units to persons or families reserved under subsection (3) and qualified under subsection (2), the sponsor may rent such unit or units to any person or family qualified under subsection (2) notwithstanding the reservation.

(o) Sponsors may participate in federal mortgage insurance programs and must abide by the requirements of those programs. If a conflict occurs between the requirements of federal mortgage insurance programs and the requirements of this section, the requirements of federal mortgage insurance programs shall take precedence.

Section 19. Section 420.5088, Florida Statutes, is amended to read:

420.5088 Florida Homeownership Assistance Program.—There is created the Florida Homeownership Assistance Program for the purpose of assisting low-income and moderate-income persons in purchasing a home as their primary residence by reducing the cost of the home with below-market construction financing, by reducing the amount of down payment and closing costs paid by the borrower to a maximum of 5 percent of the purchase price, or by reducing the monthly payment to an affordable amount for the purchaser. Loans shall be made available at an interest rate that does not exceed 3 percent. The balance of any loan is due at closing if the property is sold, refinanced, rented, or transferred, unless otherwise approved by the corporation.

(1) For loans made available pursuant to s. 420.507(23)(a)1. or 2.:

(a) The corporation may underwrite and make those mortgage loans through the program to persons or families who have incomes that do not exceed ~~120~~ 80 percent of the state or local median income, whichever is greater, adjusted for family size.

(b) Loans shall be made available for the term of the first mortgage.

(c) Loans ~~may not exceed~~ are limited to the lesser of 35 ~~25~~ percent of the purchase price of the home or the amount necessary to enable the purchaser to meet credit underwriting criteria.

(2) For loans made pursuant to s. 420.507(23)(a)3.:

(a) Availability is limited to nonprofit sponsors or developers who are selected for program participation pursuant to this subsection.

(b) Preference must be given to community development corporations as defined in s. 290.033 and to community-based organizations as defined in s. 420.503.

(c) Priority must be given to projects that have received state assistance in funding project predevelopment costs.

(d) The benefits of making such loans shall be contractually provided to the persons or families purchasing homes financed under this subsection.

(e) At least 30 percent of the units in a project financed pursuant to this subsection must be sold to persons or families who have incomes that do not exceed 80 percent of the state or local median income, whichever amount is greater, adjusted for family size; and at least another 30 percent of the units in a project financed pursuant to this subsection must be sold to persons or families who have incomes that do not exceed 65 ~~50~~ percent of the state or local median income, whichever amount is greater, adjusted for family size.

(f) The maximum loan amount may not exceed 33 percent of the total project cost.

(g) A person who purchases a home in a project financed under this subsection is eligible for a loan authorized by s. 420.507(23)(a)1. or 2. in an aggregate amount not exceeding the construction loan made pursuant to this subsection. The home purchaser must meet all the requirements for loan recipients established pursuant to the applicable loan program.

(h) The corporation shall provide, by rule, for the establishment of a review committee composed of corporation staff and shall establish, by rule, a scoring system for evaluating and ranking applications submitted for construction loans under this subsection, including, but not limited to, the following criteria:

1. The affordability of the housing proposed to be built.
 2. The direct benefits of the assistance to the persons who will reside in the proposed housing.
 3. The demonstrated capacity of the applicant to carry out the proposal, including the experience of the development team.
 4. The economic feasibility of the proposal.
 5. The extent to which the applicant demonstrates potential cost savings by combining the benefits of different governmental programs and private initiatives, including the local government contributions and local government comprehensive planning and activities that promote affordable housing.
 6. The use of the least amount of program loan funds compared to overall project cost.
 7. The provision of homeownership counseling.
 8. The applicant's agreement to exceed the requirements of paragraph (e).
 9. The commitment of first mortgage financing for the balance of the construction loan and for the permanent loans to the purchasers of the housing.
 10. The applicant's ability to proceed with construction.
 11. The targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.
 12. The extent to which the proposal will further the purposes of this program.
- (i) The corporation may reject any and all applications.

(j) The review committee established by corporation rule pursuant to this subsection shall make recommendations to the corporation board regarding program participation under this subsection. The corporation board shall make the final ranking for participation based on the scores received in the ranking, further review of the applications, and the recommendations of the review committee. The corporation board shall approve or reject applicants for loans and shall determine the tentative loan amount available to each program participant. The final loan amount shall be determined pursuant to rule adopted under s. 420.507(23)(h).

(3) The corporation shall publish a notice of fund availability in a publication of general circulation throughout the state at least 60 days prior to the anticipated availability of funds.

~~(4) During the first 9 months of fund availability:~~

~~(a) Sixty percent of the program funds shall be reserved for use by borrowers pursuant to s. 420.507(23)(a)1.;~~

~~(b) Twenty percent of the program funds shall be reserved for use by borrowers pursuant to s. 420.507(23)(a)2.; and~~

~~(c) Twenty percent of the program funds shall be reserved for use by borrowers pursuant to s. 420.507(23)(a)3.~~

~~If the application of these percentages would cause the reservation of program funds under paragraph (a) to be less than \$1 million, the reservation for paragraph (a) shall be increased to \$1 million or all available funds, whichever amount is less, with the increase to be accomplished by reducing the reservation for paragraph (b) and, if necessary, paragraph (c).~~

(4)(5) There is authorized to be established by the corporation with a qualified public depository meeting the requirements of chapter 280 the Florida Homeownership Assistance Fund to be administered by the corporation according to the provisions of this program. Any amounts held in the Florida Homeownership Assistance Trust Fund for such purposes as of January 1, 1998, must be transferred to the corporation for deposit in the Florida Homeownership Assistance Fund, whereupon the Florida Homeownership Assistance Trust Fund must be closed. There shall be deposited in the fund moneys from the State Housing Trust Fund created by s. 420.0005, or moneys received from any other source, for the purpose of this program and all proceeds derived from the use of such moneys. In addition, all unencumbered funds, loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities of the programs described in this section shall be transferred to this fund. In addition, all loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities conducted under the provisions of the Florida Homeownership Assistance Program shall be deposited in the fund and shall not revert to the General Revenue Fund. Expenditures from the Florida Homeownership Assistance Fund shall not be required to be included in the corporation's budget request or be subject to appropriation by the Legislature.

(5)(6) No more than one-fifth of the funds available in the Florida Homeownership Assistance Fund may be made available to provide loan loss insurance reserve funds to facilitate homeownership for eligible persons.

Section 20. *Sections 420.37 and 420.530, Florida Statutes, are repealed.*

Section 21. Subsection (25) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(25) "Recaptured funds" means funds that are recouped by a county or eligible municipality in accordance with the recapture provisions of its local housing assistance plan pursuant to s. 420.9075(5)(4)(g) from eligible persons or eligible sponsors who default on the terms of a grant award or loan award.

Section 22. Subsection (2) of section 420.9072, Florida Statutes, is amended to read:

420.9072 State Housing Initiatives Partnership Program.—The State Housing Initiatives Partnership Program is created for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

(2)(a) To be eligible to receive funds under the program, a county or eligible municipality must:

1. Submit to the corporation its local housing assistance plan describing the local housing assistance strategies established pursuant to s. 420.9075;

2. Within 12 months after adopting the local housing assistance plan, amend the plan to incorporate the local housing incentive strategies defined in s. 420.9071(16) and described in s. 420.9076; and

3. Within 24 months after adopting the amended local housing assistance plan to incorporate the local housing incentive strategies, amend its land development regulations or establish local policies and procedures, as necessary, to implement the local housing incentive strategies adopted by the local governing body. A county or an eligible municipality that has adopted a housing incentive strategy pursuant to s. 420.9076 before the effective date of this act shall review the status of implementation of the plan according to its adopted schedule for implementation and report its findings in the annual report required by s. 420.9075(10)(9). If as a result of the review, a county or an eligible municipality determines that the implementation is complete and in accordance with its schedule, no further action is necessary. If a county or an eligible municipality determines that implementation according to its schedule is not complete, it must amend its land development regulations or establish local policies and procedures, as necessary, to implement the housing incentive plan within 12 months after the effective date of this act, or if extenuating circumstances prevent implementation within 12 months, pursuant to s. 420.9075(13)(12), enter into an extension agreement with the corporation.

(b) A county or an eligible municipality seeking approval to receive its share of the local housing distribution must adopt an ordinance containing the following provisions:

1. Creation of a local housing assistance trust fund as described in s. 420.9075(6)(5).

2. Adoption by resolution of a local housing assistance plan as defined in s. 420.9071(14) to be implemented through a local housing partnership as defined in s. 420.9071(18).

3. Designation of the responsibility for the administration of the local housing assistance plan. Such ordinance may also provide for the contracting of all or part of the administrative or other functions of the program to a third person or entity.

4. Creation of the affordable housing advisory committee as provided in s. 420.9076.

The ordinance must not take effect until at least 30 days after the date of formal adoption. Ordinances in effect prior to the effective date of amendments to this section shall be amended as needed to conform to new provisions.

Section 23. Paragraph (c) of present subsection (4) of section 420.9075, Florida Statutes, is amended, subsections (3) through (12) are renumbered as subsections (4) through (13), respectively, and a new subsection (3) is added to that section, to read:

420.9075 Local housing assistance plans; partnerships.—

(3)(a) *Each local housing assistance plan shall include a definition of essential service personnel for the county or eligible municipality, including, but not limited to, teachers and educators, other school district, community college, and university employees, police and fire personnel, health care personnel, skilled building trades personnel, and other job categories.*

(b) *Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that emphasizes the recruitment and retention of essential service personnel. The local government is encouraged to involve public and private sector employers. Compliance with the eligibility criteria established under this strategy shall be verified by the county or eligible municipality.*

(c) *Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan that addresses the needs of persons who are deprived of affordable housing due to the closure of a mobile home park or the conversion of affordable rental units to condominiums.*

(5)(4) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(c) The sales price or value of new or existing eligible housing may not exceed 90 percent of the average area purchase price in the statisti-

cal area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs or as otherwise established by the United States Department of the Treasury.

If both an award under the local housing assistance plan and federal low-income housing tax credits are used to assist a project and there is a conflict between the criteria prescribed in this subsection and the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, the county or eligible municipality may resolve the conflict by giving precedence to the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, in lieu of following the criteria prescribed in this subsection with the exception of paragraphs (a) and (d) of this subsection.

Section 24. Subsection (6) of section 420.9076, Florida Statutes, is amended to read:

420.9076 Adoption of affordable housing incentive strategies; committees.—

(6) Within 90 days after the date of receipt of the local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at a minimum, the local housing incentive strategies specified as—defined in paragraphs (4)(a)-(j) s. 420.9071(16).

Section 25. Subsection (2) of section 420.9079, Florida Statutes, is amended to read:

420.9079 Local Government Housing Trust Fund.—

(2) The corporation shall administer the fund exclusively for the purpose of implementing the programs described in ss. 420.907-420.9078 and this section. With the exception of monitoring the activities of counties and eligible municipalities to determine local compliance with program requirements, the corporation shall not receive appropriations from the fund for administrative or personnel costs. For the purpose of implementing the compliance monitoring provisions of s. 420.9075(9)(8), the corporation may request a maximum of one-quarter of 1 percent of the annual appropriation \$200,000 per state fiscal year. When such funding is appropriated, the corporation shall deduct the amount appropriated prior to calculating the local housing distribution pursuant to ss. 420.9072 and 420.9073.

Section 26. Subsection (12) of section 1001.43, Florida Statutes, is renumbered as subsection (13), and a new subsection (12) is added to that section, to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(12) **AFFORDABLE HOUSING.**—A district school board may use portions of school sites purchased within the guidelines of the State Requirements for Educational Facilities, land deemed not usable for educational purposes because of location or other factors, or land declared as surplus by the board to provide sites for affordable housing for teachers and other district personnel independently or in conjunction with other agencies as described in subsection (5).

Section 27. Community Workforce Housing Innovation Pilot Program.—

(1) The Legislature finds and declares that recent rapid increases in the median purchase price of a home and the cost of rental housing have far outstripped the increases in median income in the state, preventing essential services personnel from living in the communities where they serve and thereby creating the need for innovative solutions for the provision of housing opportunities for essential services personnel.

(2) The Community Workforce Housing Innovation Pilot Program is created to provide affordable rental and home ownership community workforce housing for essential services personnel affected by the high

cost of housing, using regulatory incentives and state and local funds to promote local public-private partnerships and leverage government and private resources.

(3) For purposes of this section, the following definitions apply:

(a) “Workforce housing” means housing affordable to natural persons or families whose total annual household income does not exceed 140 percent of the area median income, adjusted for household size, or 150 percent of area median income, adjusted for household size, in areas of critical state concern designated under s. 380.05, Florida Statutes, for which the Legislature has declared its intent to provide affordable housing, and areas that were designated as areas of critical state concern for at least 20 consecutive years prior to removal of the designation.

(b) “Essential services personnel” means persons in need of affordable housing who are employed in occupations or professions in which they are considered essential services personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to s. 420.9075(3)(a), Florida Statutes.

(c) “Public-private partnership” means any form of business entity that includes substantial involvement of at least one county, one municipality, or one public sector entity, such as a school district or other unit of local government in which the project is to be located, and at least one private sector for-profit or not-for-profit business or charitable entity, and may be any form of business entity, including a joint venture or contractual agreement.

(4) The Florida Housing Finance Corporation is authorized to provide Community Workforce Housing Innovation Pilot Program loans to an applicant for construction or rehabilitation of workforce housing in eligible areas. The corporation shall establish a funding process and selection criteria by rule or request for proposals. This funding is intended to be used with other public and private sector resources.

(5) The corporation shall provide incentives for local governments in eligible areas to use local affordable housing funds, such as those from the State Housing Initiatives Partnership Program, to assist in meeting the affordable housing needs of persons eligible under this program.

(6) Funding shall be targeted to projects in areas where the disparity between the area median income and the median sales price for a single-family home is greatest, and for projects in areas where population growth as a percentage rate of increase is greatest. The corporation may also fund projects in areas where innovative regulatory and financial incentives are made available. The corporation shall fund at least one eligible project in as many counties as possible.

(7) Projects shall receive priority consideration for funding where:

(a) The local jurisdiction adopts appropriate regulatory incentives, local contributions or financial strategies, or other funding sources to promote the development and ongoing financial viability of such projects. Local incentives include such actions as expediting review of development orders and permits, supporting development near transportation hubs and major employment centers, and adopting land development regulations designed to allow flexibility in densities, use of accessory units, mixed-use developments, and flexible lot configurations. Financial strategies include such actions as promoting employer-assisted housing programs, providing tax increment financing, and providing land.

(b) Projects are innovative and include new construction or rehabilitation, mixed-income housing, or commercial and housing mixed-use elements and those that promote homeownership. The program funding shall not exceed the costs attributable to the portion of the project that is set aside to provide housing for the targeted population.

(c) Projects that set aside at least 80 percent of units for workforce housing and at least 50 percent for essential services personnel and for projects that require the least amount of program funding compared to the overall housing costs for the project.

(8) Notwithstanding the provisions of s. 163.3184(3)-(6), Florida Statutes, any local government comprehensive plan amendment to implement a Community Workforce Housing Innovation Pilot Program project found consistent with the provisions of this section shall be expedited as provided in this subsection. At least 30 days prior to adopting a plan amendment pursuant to this paragraph, the local government shall no-

tify the state land planning agency of its intent to adopt such an amendment, and the notice shall include its evaluation related to site suitability and availability of facilities and services. The public notice of the hearing required by s. 163.3184(15)(e), Florida Statutes, shall include a statement that the local government intends to utilize the expedited adoption process authorized by this subsection. Such amendments shall require only a single public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), Florida Statutes, and the state land planning agency shall issue its notice of intent pursuant to s. 163.3184(8), Florida Statutes, within 30 days after determining that the amendment package is complete.

(9) The corporation shall award loans with interest rates set at 1 to 3 percent, which may be made forgivable when long-term affordability is provided and when at least 80 percent of the units are set aside for workforce housing and at least 50 percent of the units are set aside for essential services personnel.

(10) All eligible applications shall:

(a) For home ownership, limit the sales price of a detached unit, townhome, or condominium unit to not more than 80 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher, and require that all eligible purchasers of home ownership units occupy the homes as their primary residence.

(b) For rental units, restrict rents for all workforce housing serving those with incomes at or below 120 percent of area median income at the appropriate income level using the restricted rents for the federal low-income housing tax credit program and, for workforce housing units serving those with incomes above 120 percent of area median income, restrict rents to those established by the corporation, not to exceed 30 percent of the maximum household income adjusted to unit size.

(c) Demonstrate that the applicant is a public-private partnership.

(d) Have grants, donations of land, or contributions from the public-private partnership or other sources collectively totaling at least 15 percent of the total development cost. Such grants, donations of land, or contributions must be evidenced by a letter of commitment only at the time of application. Grants, donations of land, or contributions in excess of 15 percent of the development cost shall increase the application score.

(e) Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined in paragraph (7)(a) from the local jurisdiction in which the proposed project is to be located. The corporation may consult with the Department of Community Affairs in evaluating the use of regulatory incentives by applicants.

(f) Demonstrate that the applicant possesses title to or site control of land and evidences availability of required infrastructure.

(g) Demonstrate the applicant's affordable housing development and management experience.

(h) Provide any research or facts available supporting the demand and need for rental or home ownership workforce housing for eligible persons in the market in which the project is proposed.

(11) Projects may include manufactured housing constructed after June 1994 and installed in accordance with mobile home installation standards of the Department of Highway Safety and Motor Vehicles.

(12) The corporation may adopt rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to implement the provisions of this section.

(13) The corporation may use a maximum of 2 percent of the annual appropriation for administration and compliance monitoring.

(14) The corporation shall review the success of the Community Workforce Housing Innovation Pilot Program to ascertain whether the projects financed by the program are useful in meeting the housing needs of eligible areas. The corporation shall submit its report and any recommendations regarding the program to the Governor, the Speaker of the House of Representatives, and the President of the Senate not later than 2 months after the end of the corporation's fiscal year.

Section 28. Affordable housing land donation density bonus incentives.—

(1) A local government may provide density bonus incentives pursuant to the provisions of this section to any landowner who voluntarily donates fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing. Donated real property must be determined by the local government to be appropriate for use as affordable housing and must be subject to deed restrictions to ensure that the property will be used for affordable housing.

(2) For purposes of this section, the terms "affordable," "extremely-low-income persons," "low-income persons," "moderate-income persons," and "very-low-income persons," have the same meaning as in s. 420.0004, Florida Statutes.

(3) The density bonus may be applied to any land within the local government's jurisdiction provided that residential use is an allowable use on the receiving land.

(4) The density bonus, identification of receiving land for the bonus, and any other conditions associated with the donation of the land for affordable housing are the subject of review and approval by the local government. The award of density bonus pursuant to this section, the legal description of the land receiving the bonus, and any other conditions associated with the bonus shall be memorialized in a development agreement or other binding agreement and recorded with the clerk of court in the county where the donated land and receiving land are located.

(5) The local government, as part of the approval process, shall adopt a comprehensive plan amendment, pursuant to part II of chapter 163, Florida Statutes, for the receiving land that incorporates the density bonus. Such amendment shall be adopted in the manner as required for small-scale amendments pursuant to s. 163.3187, Florida Statutes, is not subject to the requirements of s. 163.3184(3)-(6), Florida Statutes, and is exempt from the limitation on the frequency of plan amendments as provided in s. 163.3187, Florida Statutes.

(6) The deed restrictions required pursuant to subsection (1) for an affordable housing unit must also prohibit the unit from being sold at a price that exceeds the threshold for housing that is affordable for low-income or moderate-income persons or to a buyer who is not eligible due to his or her income under chapter 420, Florida Statutes. The deed restriction may allow affordable housing units created under subsection (1) to be rented to extremely-low-income, very-low-income, low-income, or moderate-income persons.

(7) The local government may transfer all or a portion of the donated land to a nonprofit housing organization, such as a community land trust, housing authority, or community redevelopment agency, to be used for the production and preservation of permanently affordable housing.

Section 29. Section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.—Property used to provide affordable housing serving eligible persons as defined by s. 159.603(7) and persons meeting income limits specified in s. 420.0004(8) ~~s. 420.0004(9)~~, (10), (11), and (15) (14), which property is owned entirely by a nonprofit entity which is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and which complies with Rev. Proc. 96-32, 1996-1 C.B. 717, shall be considered property owned by an exempt entity and used for a charitable purpose, and those portions of the affordable housing property which provide housing to individuals with incomes as defined in s. 420.0004(10)(9) and (15)(14) shall be exempt from ad valorem taxation to the extent authorized in s. 196.196. All property identified in this section shall comply with the criteria for determination of exempt status to be applied by property appraisers on an annual basis as defined in s. 196.195. The Legislature intends that any property owned by a limited liability company which is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be treated as owned by its sole member.

Section 30. Paragraph (o) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(o) Building materials in redevelopment projects.—

1. As used in this paragraph, the term:

a. “Building materials” means tangible personal property that becomes a component part of a housing project or a mixed-use project.

b. “Housing project” means the conversion of an existing manufacturing or industrial building to housing units in an urban high-crime area, enterprise zone, empowerment zone, Front Porch Community, designated brownfield area, or urban infill area and in which the developer agrees to set aside at least 20 percent of the housing units in the project for low-income and moderate-income persons or the construction in a designated brownfield area of affordable housing for persons described in s. 420.0004(8), (10), (11), or (15) ~~s. 420.0004(9), (10), or (14)~~, or in s. 159.603(7).

c. “Mixed-use project” means the conversion of an existing manufacturing or industrial building to mixed-use units that include artists’ studios, art and entertainment services, or other compatible uses. A mixed-use project must be located in an urban high-crime area, enterprise zone, empowerment zone, Front Porch Community, designated brownfield area, or urban infill area, and the developer must agree to set aside at least 20 percent of the square footage of the project for low-income and moderate-income housing.

d. “Substantially completed” has the same meaning as provided in s. 192.042(1).

2. Building materials used in the construction of a housing project or mixed-use project are exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the requirements of this paragraph have been met. This exemption inures to the owner through a refund of previously paid taxes. To receive this refund, the owner must file an application under oath with the department which includes:

a. The name and address of the owner.

b. The address and assessment roll parcel number of the project for which a refund is sought.

c. A copy of the building permit issued for the project.

d. A certification by the local building code inspector that the project is substantially completed.

e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the owner contracted to construct the project, which statement lists the building materials used in the construction of the project and the actual cost thereof, and the amount of sales tax paid on these materials. If a general contractor was not used, the owner shall provide this information in a sworn statement, under penalty of perjury. Copies of invoices evidencing payment of sales tax must be attached to the sworn statement.

3. An application for a refund under this paragraph must be submitted to the department within 6 months after the date the project is deemed to be substantially completed by the local building code inspector. Within 30 working days after receipt of the application, the department shall determine if it meets the requirements of this paragraph. A refund approved pursuant to this paragraph shall be made within 30 days after formal approval of the application by the department. The provisions of s. 212.095 do not apply to any refund application made under this paragraph.

4. The department shall establish by rule an application form and criteria for establishing eligibility for exemption under this paragraph.

5. The exemption shall apply to purchases of materials on or after July 1, 2000.

Section 31. *The Florida Housing Finance Corporation is authorized to provide funds to eligible entities for affordable housing recovery in those areas of the state which sustained housing damage due to hurricanes during 2004 and 2005. The Florida Housing Finance Corporation shall utilize data provided by the Federal Emergency Management*

Agency to assist in its allocation of funds to local jurisdictions. To administer these programs, the Florida Housing Finance Corporation shall be guided by the “Hurricane Housing Work Group Recommendations to Assist in Florida’s Long Term Housing Recovery Efforts” report dated February 16, 2005, and may adopt emergency rules pursuant to s. 120.54, Florida Statutes. The Legislature finds that emergency rules adopted pursuant to this section meet the health, safety, and welfare requirement of s. 120.54(4), Florida Statutes. The Legislature finds that such emergency rulemaking power is necessary for the preservation of the rights and welfare of the people in order to provide additional funds to assist those areas of the state that sustained housing damage due to hurricanes during 2004 and 2005. Therefore, in adopting such emergency rules, the corporation need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes. The sum of \$75.9 million is appropriated from the Local Government Housing Trust Fund to the Florida Housing Finance Corporation for the Rental Recovery Loan Program. The sum of \$15 million is appropriated from the State Housing Trust Fund to the Florida Housing Finance Corporation for the Farmworker Housing Recovery Program and the Special Housing Assistance and Development Program, and the sum of \$17 million is appropriated from the State Housing Trust Fund to the Florida Housing Finance Corporation for the Rental Recovery Program. The sum of \$100,000 is appropriated from the State Housing Trust Fund to the Florida Housing Finance Corporation for technical and training assistance.

Section 32. *The sum of \$82,904,000 is appropriated from the Florida Small Cities Community Development Block Grant Program Fund to the Department of Community Affairs. These funds shall be used consistent with the Federal Register, Vol. 71, No. 29, February 13, 2006, Docket No. FR-5051-N-01, and the Action Plan for Disaster Recovery approved by the United States Department of Housing and Urban Development to meet the needs of communities impacted by Hurricanes Wilma and Katrina, with a prioritization toward affordable housing in the most impacted areas of the state.*

Section 33. *The sum of \$50 million is appropriated from the Local Government Housing Trust Fund to the Florida Housing Finance Corporation for fiscal year 2006-2007 to implement the Community Workforce Housing Innovation Pilot Program.*

Section 34. *The sum of \$30 million is appropriated from the State Housing Trust Fund to the Florida Housing Finance Corporation for fiscal year 2006-2007 to assist in the production of housing units for extremely-low-income persons as defined in s. 420.0004(8), Florida Statutes.*

Section 35. *The sum of \$250,000 of recurring funds and \$300,000 of nonrecurring funds is appropriated from the Grants and Donations Trust Fund to the Department of Community Affairs for the purpose of implementing the provisions of this act relating to the Century Commission for a Sustainable Florida during the 2006-2007 fiscal year.*

Section 36. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to affordable housing; creating s. 125.379, F.S.; providing for disposition of county property for affordable housing; amending s. 163.31771, F.S., relating to accessory dwelling units; revising legislative findings and definitions; conforming cross-references; amending s. 163.3187, F.S.; revising a limitation relating to small scale comprehensive plan amendments involving the construction of affordable housing units; creating s. 166.0451, F.S.; providing for disposition of municipal property for affordable housing; providing a statement of important state interest; amending s. 189.4155, F.S.; authorizing independent special districts to provide for housing and housing assistance; amending s. 191.006, F.S.; authorizing independent special fire control districts to provide employee housing and housing assistance; amending s. 197.252, F.S.; decreasing the age and increasing the income threshold required for eligibility to defer ad valorem property taxes; decreasing the maximum interest rate that may be charged on deferred ad valorem taxes; amending s. 253.034, F.S.; providing for the disposition of state lands for affordable housing; amending s. 253.0341, F.S.; authorizing local governments to request state lands be declared surplus for the purpose of affordable housing; providing for use of lands that are

declared surplus; amending s. 295.16, F.S.; expanding the disabled veteran exemption from certain license and permit fees relating to dwelling improvements; amending s. 380.06, F.S.; providing a greater substantial deviation threshold for the provision of affordable housing in a development of regional impact; conforming cross-references; amending s. 380.0651, F.S.; providing a statewide guidelines and standards bonus for the provision of workforce housing; amending s. 420.0004, F.S.; defining the term “extremely-low-income persons”; conforming cross-references; amending s. 420.503, F.S.; revising the definition of the term “farmworker” under the Florida Housing Finance Corporation Act; providing rulemaking authority; amending s. 420.5061, F.S.; conforming a cross-reference; amending s. 420.507, F.S.; revising and expanding the powers of the Florida Housing Finance Corporation relating to mortgage loan interest rates, loans, loan relief, uses of loan funds, subsidiary business entities, and data reporting; providing rulemaking authority; amending s. 420.5087, F.S.; increasing the population criteria for the State Apartment Incentive Loan Program; revising criteria for loans; conforming cross-references; amending s. 420.5088, F.S.; expanding the scope of the Florida Homeownership Assistance Program; revising loan requirements; deleting a provision reserving program funds for certain borrowers; repealing ss. 420.37 and 420.530, F.S., relating to the State Farm Worker Housing Pilot Loan Program; amending s. 420.9071, F.S.; conforming a cross-reference; amending s. 420.9072, F.S.; conforming cross-references; amending s. 420.9075, F.S.; requiring local housing assistance plans to define essential service personnel for the county or eligible municipality and to contain a strategy for the recruitment and retention of such personnel; amending s. 420.9076, F.S.; conforming a cross-reference; amending s. 420.9079, F.S.; revising the maximum appropriation the Florida Housing Finance Corporation may request each state fiscal year; conforming a cross-reference; amending s. 1001.43, F.S.; authorizing district school boards to provide affordable housing for teachers and other district personnel; creating the Community Workforce Housing Innovation Pilot Program; providing legislative findings; providing definitions; providing the Florida Housing Finance Corporation with certain powers and responsibilities relating to the program; requiring the program to target certain entities; providing application requirements; providing incentives for program applicants; providing rulemaking authority; requires a report to the Governor and Legislature; authorizing local governments to provide density bonus incentives to landowners who donate fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing; providing definitions and requirements governing such donations and density bonuses; amending s. 196.1978, F.S., correcting cross-references; amending s. 212.08, F.S.; correcting cross-references; authorizing the corporation to provide funds for eligible entities for affordable housing recovery in those counties that were declared eligible for disaster funding after the hurricanes of 2004 and 2005 and that sustained housing damage due to those storms; authorizing the corporation to adopt emergency rules; providing an appropriation to the Florida Housing Finance Corporation to provide housing units for extremely-low-income persons; providing an appropriation to the Florida Housing Finance Corporation to implement the Community Workforce Housing Innovation Pilot Program; providing an appropriation to the Florida Housing Finance Corporation for hurricane housing recovery; providing an appropriation to the Department of Community Affairs for the Century Commission for a Sustainable Florida; providing effective dates.

Pursuant to Rule 4.19, **HB 1363** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Dockery, by two-thirds vote **HB 7031** was withdrawn from the Committees on Community Affairs; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

On motion by Senator Dockery—

HB 7031—A bill to be entitled An act relating to the Department of State; amending s. 265.285, F.S.; clarifying terms of appointment to the Florida Arts Council; removing obsolete language; amending s. 265.606, F.S.; deleting a requirement for local sponsoring organizations to submit an annual postaudit to the Division of Cultural Affairs under certain circumstances; providing for deposit of the state’s matching share of cultural endowment to the Florida Fine Arts Trust Fund rather than reversion to the General Revenue Fund; requiring that authority to disburse funds is subject to notice and review procedures; providing for

reversion of funds to the General Revenue Fund under certain circumstances; amending s. 267.174, F.S.; changing the dates for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission, the completion of the initial draft of a specified master plan, and the submission of the completed master plan; amending s. 272.129, F.S.; transferring responsibility for the Florida Historic Capitol from the Department of State to the Legislature; providing for allocation of certain space for preservation, museum, and cultural programs of the Legislature; requiring the maintenance of the Florida Historic Capitol pursuant to certain historic preservation standards and guidelines; removing responsibility of the Department of Management Services for security of the Historic Capitol and adjacent grounds; amending s. 272.135, F.S.; requiring the Capitol Curator to be appointed by the President of the Senate and the Speaker of the House of Representatives; deleting rulemaking authority of the Department of State to conform; amending s. 607.193, F.S.; correcting references to repealed sections of Florida Statutes within provisions relating to the annual supplemental corporate fee imposed on each business entity authorized to transact business in this state; amending s. 257.05, F.S.; requiring that each state official, agency, board, and court provide to the Division of Library and Information Services of the Department of State an annual list of public documents issued by the official, agency, board, or court; amending s. 283.31, F.S.; defining the term “publication” for purposes of a requirement that an executive agency maintain records of certain publication costs; amending s. 283.55, F.S.; revising the form used by each state agency for the purpose of purging publication mailing lists; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2384** and read the second time by title.

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senators Fasano and Carlton offered the following amendment which was moved by Senator Fasano and adopted:

Amendment 1 (381986)(with title amendment)—On page 4, line 89 through page 6, line 136, delete those lines and insert:

Section 2. Subsections (4) and (5) of section 265.606, Florida Statutes, are amended to read:

265.606 Cultural Endowment Program; administration; qualifying criteria; matching fund program levels; distribution.—

(4) Once the secretary has determined that the sponsoring organization has complied with the criteria imposed by this section, he or she may authorize the transfer of the appropriate state matching funds to the organization. However, the secretary shall ensure that the local group has made prudent arrangements for the trusteeship of the entire endowment, and such trusteeship is hereby created. The sponsoring organization may then expend moneys in the endowment program fund, subject to the following requirements:

(a) The organization may expend funds only for operating costs incurred while engaged in programs directly related to cultural activities.

(b) The organization shall annually submit a report to the division, in such form as the division specifies, explaining how endowment program funds were utilized.

~~(c) Any contract administered under this section shall require the local sponsoring organization to submit to the division an annual postaudit of its financial accounts conducted by an independent certified public accountant.~~

(5) The \$240,000 state matching fund endowment for each individual endowment shall revert to the General Revenue Fund if any of the following events occurs:

(a) The recipient sponsoring organization *is no longer able to manage an endowment ceases operations.*

(b) The recipient sponsoring organization files for protection under federal bankruptcy provisions.

(c) The recipient sponsoring organization willfully expends a portion of the endowment principal of any individual endowment.

And the title is amended as follows:

On page 1, lines 8-14, delete those lines and insert: circumstances; amending s. 267.174, F.S.; changing

Pursuant to Rule 4.19, **HB 7031** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator King, by two-thirds vote **HB 7017** was withdrawn from the Committees on Commerce and Consumer Services; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator King—

HB 7017—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding economic development agencies; amending s. 288.075, F.S., which provides an exemption from public records requirements for information held by an economic development agency concerning plans, intentions, or interests of a private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state; reorganizing provisions; making editorial changes; removing superfluous provisions; removing the scheduled expiration of the exemption under the Open Government Sunset Review Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 734** and read the second time by title.

Senator King moved the following amendment which was adopted:

Amendment 1 (941976)—On page 2, line 47, delete “24” and insert: 12 24

Pursuant to Rule 4.19, **HB 7017** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1980** and **CS for SB 286** was deferred.

CS for SB 1596—A bill to be entitled An act relating to offenses involving insurance; amending s. 316.068, F.S.; providing that a crash report must contain specified information, if available; providing a rebuttable presumption; amending s. 322.21, F.S.; providing an additional fee for certain offenses relating to insurance crimes; providing for deposit of the fee into the Highway Safety Operating Trust Fund; amending s. 322.26, F.S.; providing an additional circumstance relating to insurance crimes for mandatory revocation of a person's driver's license; amending s. 400.9935, F.S.; providing penalties for medical directors of certain health care clinics who refer patients to their own clinics for specified medical procedures; requiring health care clinics to display signs containing certain information relating to insurance fraud; authorizing compliance inspections by the Division of Insurance Fraud; requiring clinics to allow inspection access; amending s. 440.105, F.S.; deleting the provision that a violation of a stop-work order is a misdemeanor of the first degree; providing that the failure to secure required workers' compensation insurance coverage constitutes insurance fraud; amending s. 456.054, F.S.; revising the definition of the term “kickback” for criminal prosecution purposes; amending s. 624.15, F.S.; specifying violations of rules of the Department of Financial Services, Office of Insurance Regulation, or Financial Services Commission as misdemeanors; specifying a violation of emergency rules or orders as a felony of the third degree; providing penalties; providing for nonapplication to certain persons; amending s. 626.112, F.S.; providing a criminal penalty for knowingly transacting insurance without a license; amending s. 626.938, F.S.; revising provisions requiring a report and taxation of independently procured coverages; specifying nonauthorization of independent procurement of workers' compensation, life, or health insurance; amending s. 626.9891, F.S.; expanding authorization to impose administrative fines on insurers for failure to comply with certain anti-fraud plan or anti-fraud investigative unit description requirements; providing that anti-fraud plans and anti-fraud investigative unit descriptions are trade secrets; requiring certain hearing officers to pre-

serve the secrecy of such trade secrets; providing that findings, statements, and documents relating to anti-fraud plans and anti-fraud investigative unit descriptions may be subject to similar unauthorized disclosure; creating s. 626.9893, F.S.; authorizing the division to deposit certain revenues into the Insurance Regulatory Trust Fund; specifying accounting and uses of such revenues; providing for appropriation and use of such revenues; amending s. 627.4133, F.S.; providing that any retroactive assumption of coverage and liabilities under a policy providing workers' compensation and employer's liability insurance may not exceed 21 days; amending s. 627.736, F.S.; requiring insurers to provide certain persons with notice of the department's Anti-Fraud Reward Program and the criminal violations that may be reported in pursuit of a reward; amending s. 627.7401, F.S.; requiring that notice to consumers of possible insurance fraud be added to the notice of consumer's rights to receive personal injury protection benefits under the Florida Motor Vehicle No-Fault Law; amending s. 627.912, F.S.; authorizing the Office of Insurance Regulation to adjust certain fines; amending s. 817.234, F.S.; revising provisions specifying material omission and insurance fraud; prohibiting scheming to create documentation of a motor vehicle crash that did not occur; providing a criminal penalty; amending s. 817.2361, F.S.; providing that creating, marketing, or presenting fraudulent proof of motor vehicle insurance is a felony of the third degree; amending s. 817.50, F.S.; specifying nonapplication of provisions specifying evidence of intent to defraud to certain investigative actions taken by law enforcement officers; amending s. 817.505, F.S.; providing an additional patient brokering prohibition, to which penalties apply; revising a definition; amending s. 843.08, F.S.; providing a criminal penalty for falsely assuming or pretending to be an officer of the Department of Financial Services; amending s. 932.7055, F.S.; requiring certain proceeds seized by the division under the Florida Contraband Forfeiture Act to be deposited into certain trust funds; providing severability; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1596** to **HB 561**.

Pending further consideration of **CS for SB 1596** as amended, on motion by Senator Alexander, by two-thirds vote **HB 561** was withdrawn from the Committees on Banking and Insurance; Health Care; Criminal Justice; Government Efficiency Appropriations; and General Government Appropriations.

On motion by Senator Alexander—

HB 561—A bill to be entitled An act relating to offenses involving insurance; amending s. 316.068, F.S.; specifying information to be included in a crash report; creating a rebuttable presumption relating to the absence of certain information in such reports; amending s. 322.21, F.S.; providing an additional fee for certain offenses relating to insurance crimes; providing for deposit of the fee into the Highway Safety Operating Trust Fund; amending s. 322.26, F.S.; providing an additional circumstance relating to insurance crimes for mandatory revocation of a person's driver's license; amending s. 400.9935, F.S.; prohibiting medical directors from referring specified patients to certain clinics for specified medical examinations and tests; providing a definition; providing criminal penalties; requiring health care clinics to display signs containing certain information relating to insurance fraud; authorizing compliance inspections by the Division of Insurance Fraud; requiring clinics to allow inspection access; amending s. 440.105, F.S.; deleting the provision that a violation of a stop-work order is a misdemeanor of the first degree; making unlawful a failure to secure required workers' compensation insurance coverage; providing criminal penalties; amending s. 456.054, F.S.; revising the definition of the term “kickback” for criminal prosecution purposes; amending s. 624.15, F.S.; specifying violations of rules of the Department of Financial Services, Office of Insurance Regulation, or Financial Services Commission as misdemeanors; specifying a violation of emergency rules or orders as a felony of the third degree; providing penalties; providing for nonapplication to certain persons; amending s. 626.112, F.S.; providing a criminal penalty for knowingly transacting insurance without a license; amending s. 626.938, F.S.; revising provisions requiring a report and taxation of independently procured coverages; specifying nonauthorization of independent procurement of workers' compensation, life, or health insurance; amending s. 626.9891, F.S.; expanding authorization to impose administrative fines on insurers for failure to comply with certain anti-fraud plan or anti-fraud investigative unit description requirements; creating s. 626.9893,

F.S.; authorizing the division to deposit certain revenues into the Insurance Regulatory Trust Fund; specifying accounting and uses of such revenues; providing for appropriation and use of such revenues; amending s. 627.4133, F.S.; providing a limitation on retroactive assumption of certain coverages and liabilities; amending s. 627.736, F.S.; requiring insurers to provide certain persons with notice of the department's Anti-Fraud Reward Program and the criminal violations that may be reported in pursuit of a reward; amending s. 627.7401, F.S.; specifying additional requirements for Financial Services Commission notification of an insured's rights; amending s. 627.912, F.S.; authorizing the office to impose fines; authorizing the office to adjust such fines under certain circumstances; amending s. 817.234, F.S.; revising provisions specifying material omission and insurance fraud; prohibiting scheming to create documentation of a motor vehicle crash that did not occur; providing a criminal penalty; amending s. 817.2361, F.S.; providing that creating, marketing, or presenting fraudulent proof of motor vehicle insurance is a felony of the third degree; amending s. 817.50, F.S.; specifying nonapplication of provisions specifying evidence of intent to defraud to certain investigative actions taken by law enforcement officers; amending s. 817.505, F.S.; providing an additional patient brokering prohibition, to which penalties apply; revising a definition; amending s. 843.08, F.S.; providing a criminal penalty for falsely assuming or pretending to be an officer of the Department of Financial Services; amending s. 932.7055, F.S.; requiring certain proceeds seized by the division under the Florida Contraband Forfeiture Act to be deposited into certain trust funds; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 1596** as amended and read the second time by title.

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senators Geller, Aronberg, and Rich offered the following amendment which was moved by Senator Geller:

Amendment 1 (163194)(with title amendment)—Between lines 379 and 380, insert:

(12) *VENUE.*—*Venue for any personal injury protection benefits claim for an assignee of benefits, shall be in the jurisdiction where the insured resides, where the accident occurs, where health care services were provided, or in a forum convenient for material witnesses.*

(13) *JOINDER OF POTENTIAL CLAIMS.*—*The filing of a lawsuit claiming personal injury protection benefits, brought pursuant to 627.736, shall include all personal injury protection benefit claims the plaintiff has standing to file and for which all conditions precedent to file the lawsuit have been met by the plaintiff at the time the lawsuit is filed.*

And the title is amended as follows:

On line 51, after the semicolon (;) insert: providing for venue; requiring joinder of potential claims;

On motion by Senator Alexander, further consideration of **HB 561** with pending **Amendment 1 (163194)** was deferred.

On motion by Senator Garcia, by two-thirds vote **HM 541** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Garcia—

HM 541—A memorial to the Congress of the United States urging Congress to support a National Catastrophe Insurance Program.

WHEREAS, during the 2004 and 2005 hurricane seasons, the State of Florida was devastated by eight hurricanes and four tropical storms, causing approximately \$35 billion in estimated gross probable insurance losses, and

WHEREAS, the hurricanes from the 2004 and 2005 hurricane seasons have produced high winds, coastal storm surges, torrential rainfalls, and flooding resulting in significant damage to Florida and the Gulf Coast states, which has resulted in displacement of policyholders from their dwellings, loss of personal belongings and contents, closing of businesses

and financial institutions, and temporary loss of employment and has created numerous health and safety issues within our local communities, and

WHEREAS, in 1992, Hurricane Andrew resulted in approximately \$20.8 billion in insured losses and was previously the costliest catastrophe in the United States, but Hurricane Katrina alone left the Gulf Coast states with an estimated loss of approximately \$35 billion, and

WHEREAS, natural disasters continually threaten communities across the United States with extreme weather conditions that pose an immediate danger to the lives, property, and security of the residents of those communities, and

WHEREAS, the insurance industry, state officials, and consumer groups have been striving to develop solutions to insure megacatastrophic risks, because hurricanes, earthquakes, tornadoes, typhoons, floods, wildfires, ice storms, and other natural catastrophes continue to affect policyholders across the United States, and

WHEREAS, on November 16 and 17, 2005, insurance commissioners from Florida, California, Illinois, and New York convened a summit to devise a national catastrophe insurance plan which would more effectively spread insurance risks and help mitigate the tremendous financial damage survivors contend with following such catastrophes, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is urged to support a National Catastrophe Insurance Program. Policyholders require a rational insurance mechanism for responding to the economic losses resulting from catastrophic events. The risk of catastrophes must be addressed through a public-private partnership involving individuals, private industry, local and state governments, and the Federal Government. A national catastrophe insurance program is necessary to promote personal responsibility among policyholders; support strong building codes, development plans, and other mitigation tools; maximize the risk-bearing capacity of the private markets; and provide quantifiable risk management through the Federal Government. The program should encompass:

(1) Providing consumers with a private market residential insurance program that provides all-perils protection.

(2) Promoting personal responsibility through mitigation; promoting the retrofitting of existing housing stock; and providing individuals with the ability to manage their own disaster savings accounts that, similar to health savings accounts, accumulate on a tax-advantaged basis for the purpose of paying for mitigation enhancements and catastrophic losses.

(3) Creating tax-deferred insurance company catastrophe reserves to benefit policyholders. These tax-deferred reserves would build up over time and only be eligible to be used to pay for future catastrophic losses.

(4) Enhancing local and state government's role in establishing and maintaining effective building codes, mitigation education, and land use management; promoting state emergency management, preparedness, and response; and creating state or multistate regional catastrophic risk financing mechanisms such as the Florida Hurricane Catastrophe Fund.

(5) Creating a national catastrophe financing mechanism that would provide a quantifiable level of risk management and financing for megacatastrophes; maximizing the risk-bearing capacity of the private markets; and allowing for aggregate risk pooling of natural disasters funded through sound risk-based premiums paid in correct proportion by all policyholders in the United States.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—a companion measure, was substituted for **SM 1676** and read the second time in full. On motion by Senator Garcia, **HM 541** was adopted and certified to the House. The vote on adoption was:

Yeas—39

Mr. President	Diaz de la Portilla	Miller
Alexander	Dockery	Peadar
Argenziano	Fasano	Posey
Aronberg	Garcia	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Villalobos
Clary	Lawson	Webster
Constantine	Lynn	Wilson
Crist	Margolis	Wise

Nays—None

On motion by Senator Alexander, the Senate resumed consideration of—

HB 561—A bill to be entitled An act relating to offenses involving insurance; amending s. 316.068, F.S.; specifying information to be included in a crash report; creating a rebuttable presumption relating to the absence of certain information in such reports; amending s. 322.21, F.S.; providing an additional fee for certain offenses relating to insurance crimes; providing for deposit of the fee into the Highway Safety Operating Trust Fund; amending s. 322.26, F.S.; providing an additional circumstance relating to insurance crimes for mandatory revocation of a person's driver's license; amending s. 400.9935, F.S.; prohibiting medical directors from referring specified patients to certain clinics for specified medical examinations and tests; providing a definition; providing criminal penalties; requiring health care clinics to display signs containing certain information relating to insurance fraud; authorizing compliance inspections by the Division of Insurance Fraud; requiring clinics to allow inspection access; amending s. 440.105, F.S.; deleting the provision that a violation of a stop-work order is a misdemeanor of the first degree; making unlawful a failure to secure required workers' compensation insurance coverage; providing criminal penalties; amending s. 456.054, F.S.; revising the definition of the term "kickback" for criminal prosecution purposes; amending s. 624.15, F.S.; specifying violations of rules of the Department of Financial Services, Office of Insurance Regulation, or Financial Services Commission as misdemeanors; specifying a violation of emergency rules or orders as a felony of the third degree; providing penalties; providing for nonapplication to certain persons; amending s. 626.112, F.S.; providing a criminal penalty for knowingly transacting insurance without a license; amending s. 626.938, F.S.; revising provisions requiring a report and taxation of independently procured coverages; specifying nonauthorization of independent procurement of workers' compensation, life, or health insurance; amending s. 626.9891, F.S.; expanding authorization to impose administrative fines on insurers for failure to comply with certain anti-fraud plan or anti-fraud investigative unit description requirements; creating s. 626.9893, F.S.; authorizing the division to deposit certain revenues into the Insurance Regulatory Trust Fund; specifying accounting and uses of such revenues; providing for appropriation and use of such revenues; amending s. 627.4133, F.S.; providing a limitation on retroactive assumption of certain coverages and liabilities; amending s. 627.736, F.S.; requiring insurers to provide certain persons with notice of the department's Anti-Fraud Reward Program and the criminal violations that may be reported in pursuit of a reward; amending s. 627.7401, F.S.; specifying additional requirements for Financial Services Commission notification of an insured's rights; amending s. 627.912, F.S.; authorizing the office to impose fines; authorizing the office to adjust such fines under certain circumstances; amending s. 817.234, F.S.; revising provisions specifying material omission and insurance fraud; prohibiting scheming to create documentation of a motor vehicle crash that did not occur; providing a criminal penalty; amending s. 817.2361, F.S.; providing that creating, marketing, or presenting fraudulent proof of motor vehicle insurance is a felony of the third degree; amending s. 817.50, F.S.; specifying nonapplication of provisions specifying evidence of intent to defraud to certain investigative actions taken by law enforcement officers; amending s. 817.505, F.S.; providing an additional patient brokering prohibition, to which penalties apply; revising a definition; amending s. 843.08, F.S.; providing a criminal penalty for falsely assuming or pretending to be an officer of the Department of Financial Services; amending s. 932.7055,

F.S.; requiring certain proceeds seized by the division under the Florida Contraband Forfeiture Act to be deposited into certain trust funds; providing severability; providing an effective date.

—which was previously considered this day. Pending **Amendment 1 (163194)** by Senators Geller, Aronberg and Rich was withdrawn.

Pursuant to Rule 4.19, **HB 561** was placed on the calendar of Bills on Third Reading.

On motion by Senator King, by two-thirds vote **HB 7059** was withdrawn from the Committees on Commerce and Consumer Services; Children and Families; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator King—

HB 7059—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding temporary cash assistance; amending s. 414.106, F.S., which provides an exemption from public meetings requirements for that portion of a meeting held by the Department of Children and Family Services, Workforce Florida, Inc., or a regional workforce board or local committee at which personal identifying information contained in records relating to temporary cash assistance is discussed; removing the scheduled repeal of the exemption; amending s. 414.295, F.S., which provides an exemption from public records requirements for personal identifying information of a temporary cash assistance program participant, a participant's family, or a participant's family or household member, except for information identifying a noncustodial parent, held by the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board or local committee; narrowing the exemption; making editorial changes; revising provisions relating to the authorized release of such confidential and exempt information; removing superfluous language; removing the scheduled repeal of the exemption; amending s. 445.007, F.S.; removing the exemption from public meetings requirements for any meeting or portion of a meeting held by Workforce Florida, Inc., or a regional workforce board or local committee at which specified personal identifying information contained in records relating to temporary cash assistance is discussed; providing an effective date.

—a companion measure, was substituted for **CS for SB 736** and read the second time by title.

Pursuant to Rule 4.19, **HB 7059** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich—

SB 1592—A bill to be entitled An act relating to local occupational license taxes; amending s. 205.0535, F.S.; updating provisions authorizing reclassification and new rate-structure revisions to local occupational license taxes by ordinance; deleting counties from such authorization provisions; providing construction relating to decreasing or repealing such taxes; providing an effective date.

—was read the second time by title.

Senator Rich moved the following amendment which was adopted:

Amendment 1 (101828)—On page 1, line 18, delete "2007" and insert: 2006

MOTION

On motion by Senator Rich, the rules were waived to allow the following amendment to be considered:

Senator Rich moved the following amendment which was adopted:

Amendment 2 (284474)—On page 3, lines 20-26, delete those lines and insert: year thereafter, increase or decrease by ordinance the rates of local occupational license taxes by up to 5 percent. The increase, however, may not be enacted by less than a majority plus one vote of the

governing body. *This chapter does not prohibit a municipality or county from decreasing or repealing any license tax authorized under this chapter.*

(5) No license shall be issued unless the

Pursuant to Rule 4.19, **SB 1592** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla—

CS for CS for SB 862—A bill to be entitled An act relating to emergency management; providing legislative findings with respect to the need for improvements in the state's infrastructure in response to the hurricane seasons of 2004 and 2005; providing for the Legislature to make funds available to local and state agencies through appropriations to the Department of Community Affairs; requiring the department to establish a statewide grant application process; providing criteria for an appropriation to fund the construction or renovation of county emergency operations centers; providing limitations on the use of such funds; requiring that the release of funds be approved by the Legislative Budget Commission; providing criteria for an appropriation to fund equipping public special-needs hurricane evacuation shelters with the permanent capacity to generate emergency power; providing criteria for an appropriation for retrofitting public hurricane evacuation shelters; requiring that the release of funds be approved by the Legislative Budget Commission; providing for funds to be appropriated to improve the logistical staging and warehouse capacity of commodities used following a disaster; providing for funds to be appropriated for the purpose of hurricane evacuation planning; providing appropriations; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 862** to **HB 7121**.

Pending further consideration of **CS for CS for SB 862** as amended, on motion by Senator Diaz de la Portilla, by two-thirds vote **HB 7121** was withdrawn from the Committees on Domestic Security; Community Affairs; Commerce and Consumer Services; and Ways and Means.

On motion by Senator Diaz de la Portilla, the rules were waived and—

HB 7121—A bill to be entitled An act relating to disaster preparedness response and recovery; providing legislative findings with respect to the coordination of emergency response capabilities; directing the Division of Emergency Management to conduct a feasibility study relating to the supply and distribution of essential commodities by nongovernmental and private entities; creating s. 526.143, F.S.; providing that each motor fuel terminal facility and wholesaler that sells motor fuel in the state must be capable of operating its distribution loading racks using an alternate generated power source for a specified period by a certain date; providing requirements with respect to the operation of such equipment following a major disaster; providing requirements with respect to the installation of specified components; requiring specified documentation; requiring newly constructed or substantially renovated motor fuel retail outlets to be capable of operation using an alternate generated power source; defining “substantially renovated”; providing requirements with respect to required documentation; requiring certain motor fuel retail outlets located within a specified distance from an interstate highway or state or federally designated evacuation route to be capable of operation using an alternate generated power source by a specified date; providing requirements with respect to the installation of specified components; requiring specified documentation; providing applicability; creating s. 526.144, F.S.; creating the Florida Disaster Motor Fuel Supplier Program within the Department of Community Affairs; providing that participation in the program shall be at the option of each county; providing for administration of the program; providing purpose of the program; providing requirements for and authority of retail motor fuel outlets doing business in participating counties that choose to become members of the program; providing a restriction on nonparticipating motor fuel retail outlets; authorizing counties that choose to participate in the program to charge a fee to cover specified costs; providing for deposit of such fees; providing procedures and requirements with respect to operation under the program; providing that the regulation of and requirements for the siting and placement of an

alternate power source and any related equipment at motor fuel terminal facilities, wholesalers, and retail sales outlets shall be exclusively controlled by the state; providing for review of the program; providing a report; amending s. 501.160, F.S.; providing that the prohibition against the rental or sale of essential commodities during a declared state of emergency at unconscionable prices shall remain in effect for a specified period of time; providing for renewal thereof; amending s. 553.509, F.S., relating to requirements with respect to vertical accessibility under pt. II of ch. 553, F.S., the “Florida Americans With Disabilities Accessibility Implementation Act”; requiring specified existing and newly constructed residential multifamily dwellings to have at least one public elevator that is capable of operating on an alternate power source for emergency purposes; providing requirements with respect to the alternate power source; providing for verification of compliance by specified dates; providing requirements with respect to emergency operations plans and inspection records; providing requirements with respect to compliance with the act for specified multistory affordable residential dwellings; requiring the development of an evacuation plan for such a dwelling in the absence of compliance with the act; providing additional inspection requirements under ch. 399, F.S., the “Elevator Safety Act”; amending s. 252.35, F.S.; expanding the duty of the Division of Emergency Management to conduct a public educational campaign on emergency preparedness issues; providing an additional duty of the division with respect to educational outreach concerning disaster preparedness; requiring the Division of Emergency Management to complete and maintain specified inventories of emergency generators; providing legislative findings with respect to minimum criteria for county emergency operations centers; specifying criteria for county emergency operations centers; providing priority and restrictions for funding; providing an appropriation to the Department of Community Affairs to establish a competitive award process; providing an appropriation to the Department of Community Affairs for logistical improvements and technology; providing uses of appropriated funds; providing an appropriation to the Department of Community Affairs to update regional hurricane evacuation plans; providing for use of appropriated funds; providing that the procurement of technologies with appropriated funds is subject to competitive bid requirements; providing an appropriation to the Department of Community Affairs to conduct a feasibility study; providing an appropriation to the Department of Community Affairs for the Division of Emergency Management's public awareness campaign; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 862** as amended and read the second time by title.

Senator Diaz de la Portilla moved the following amendment:

Amendment 1 (500730)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The Legislature finds that there is a compelling need for improvements in infrastructure, as identified during the 2004 and 2005 hurricane seasons, in order to better protect the residents of this state. Based on the criteria specified in this section, the Legislature shall make funds available to local and state agencies through appropriations to the Department of Community Affairs for the purpose of enhancing public education and information, constructing or improving county emergency operations centers and designated alternate state emergency operations centers, providing emergency power for public special-needs hurricane evacuation shelters, retrofitting public hurricane evacuation shelters, improving logistical staging and warehouse capacity for commodities, and planning for hurricane evacuations. The criteria in this section shall be considered by the Legislature in determining eligibility for funding.*

(1)(a) *The Legislature finds that county emergency operations centers and designated alternate state emergency operations centers should meet minimum criteria for structural survivability and sufficiency of operational space, as determined by assessments performed by the Department of Community Affairs using the structural requirements of American Red Cross Standard ARC 4496, “Guidelines for Hurricane Evacuation Shelter Selection,” and based on guidance from the Federal Emergency Management Agency. Criteria for prioritizing and recommending the funding for county emergency operations centers and designated alternate state emergency operations centers include, but are not limited to, county population, hurricane evacuation clearance time for the vulnerable population of the county, structural survivability of the existing emergency operations center, and guidance of the Federal Emergency Management Agency for workspace requirements for the emergency operations center.*

First priority for funding recommendations shall be for county emergency operations centers or designated alternate state emergency operations centers where no survivable facility exists and where workspace deficits exist. Funding recommendations made pursuant to this paragraph may not include land acquisition; the purchase of equipment, furnishings, communications, or operational systems; or recurring expenditures. Funding recommendations must be limited to the construction or structural renovation of the county emergency operations center or designated alternate state emergency operations centers needed to meet the same structural requirements of American Red Cross Standard ARC 4496, "Guidelines for Hurricane Evacuation Shelter Selection," and national workspace recommendations. The Department of Community Affairs shall establish a statewide competitive grant application process for proposals to construct or improve county emergency operations centers such that those centers would, upon completion of the project, meet minimum criteria as specified in this section. The application may contain one or more independent proposals for:

1. A construction or improvement project requesting state financial assistance or having received state financial assistance which also includes facility hardening or mitigation and which qualifies for funding under the federal Hazard Mitigation Grant Program. These proposals must document the commitment of all local funds needed and identify the proposed state and federal funding needed, based on the funding criteria specified in this paragraph, to complete the project for a fully operational county emergency operations center or designated alternate state emergency operations center.

2. A construction or improvement project to be funded with local or other nonstate funds which includes facility hardening or mitigation and which qualifies for funding under the federal Hazard Mitigation Grant Program. These proposals must document the commitment of all local funds needed and identify the proposed federal funding needed, based on the funding criteria in this paragraph, to complete the project for a fully operational county emergency operations center or a designated alternate state emergency operations center.

(b) The department shall prioritize all properly submitted project applications based on minimum criteria as specified in this section, local government participation, and documented need. In reviewing proposals, the department must take into consideration all state funds already provided for the project which have not been expended but which will decrease the project's fiscal need once expended. The amount of a project's cost recommended for funding by the department shall be limited to those costs considered reasonably necessary to meet minimum criteria specified in this section. The release of any funds specifically appropriated to implement this subsection must be approved by the Legislative Budget Commission. Upon completion of the prioritization process, and no later than November 1, 2006, the department shall submit to the Legislative Budget Commission for approval a comprehensive funding proposal for the construction of and improvements to county emergency operations centers and designated alternate state emergency operations centers using appropriated funds. The proposal submitted to the Legislative Budget Commission must include a detailed identification of the project and the corresponding detailed local, state, and federal funding proposed for each project. In order to ensure the maximum use of federal funds that are available for the Hazard Mitigation Grant Program, any federal funds appropriated to implement this subsection which remain after fully allocating those funds to proposals under subparagraphs 1. and 2. may be used to fund proposals for retrofitting hurricane evacuation shelters under subsection (3). Any federal funds appropriated to implement this paragraph which remain after fully allocating those funds for proposals under subparagraphs 1. and 2. and subsection (3) shall be appropriated for distribution pursuant to chapter 9G-22, Florida Administrative Code. The Executive Office of the Governor may submit a budget amendment to transfer those funds in accordance with chapter 216, Florida Statutes.

(2) The Legislature finds that by June 1, 2007, all designated public special-needs hurricane evacuation shelters should be equipped with permanent emergency power generating capacity in order to provide electrical power for necessary medical equipment for persons housed in the shelter and for heating, ventilating, and air-conditioning the facility. An appropriation for equipping a public special-needs hurricane evacuation shelter with permanent emergency power generating capacity may also be used in coordination with local communities in order to increase the number of special-needs shelter spaces that are available and to ensure that a sufficient number of public special-needs shelters are designated to meet the anticipated demand based on the best available data as

determined jointly by the Department of Community Affairs and the Department of Health.

(3) The Legislature finds that retrofitting public hurricane evacuation shelters is an efficient and economical method of accelerating the state and local efforts to reduce the deficit in shelter space. Criteria for assessing and prioritizing the funding needs for retrofitting public hurricane evacuation shelters include, but are not limited to, the project's ability to meet the structural and siting requirements of American Red Cross Standard ARC 4496, "Guidelines for Hurricane Evacuation Shelter Selection," once completed; the shelter needs of the local government as well as the overall needs of the hurricane evacuation planning region; the cost-effectiveness of the project in terms of the number of public hurricane evacuation spaces; and the priority ranking of the proposed project in the applicable local mitigation strategy. The Department of Community Affairs shall establish a statewide competitive grant application process for retrofitting public hurricane evacuation shelters to meet the minimum criteria specified in this section. In reviewing proposals, the department shall consider all state funds already provided for the project which have not been expended but which will decrease the project's fiscal need once expended. The department shall prioritize all properly submitted project applications based on criteria specified in this section and documented need. The release of any funds specifically appropriated to implement this subsection must be approved by the Legislative Budget Commission. Upon completion of the prioritization process, and no later than November 1, 2006, the department shall recommend funding for retrofitting public hurricane evacuation shelters to the Legislative Budget Commission for approval. In order to ensure maximum use of federal funds available for the Hazard Mitigation Grant Program, any federal funds appropriated to implement this subsection which are remaining after fully allocating those funds to proposals under this subsection shall be appropriated for distribution pursuant to chapter 9G-22, Florida Administrative Code. The Executive Office of the Governor may submit a budget amendment to transfer those funds in accordance with the provisions of chapter 216, Florida Statutes.

(4) The Legislature finds that improved logistical staging and warehouse capacity for commodities will help ensure that adequate supplies, equipment, and commodities are available and accessible for purposes of responding to disasters. Appropriated funds may be used for increasing storage capacity; improving technologies to manage commodities; and enhancing the state's ability to maintain in a safe and secure manner an inventory of supplies, equipment, and commodities that would be needed in the immediate aftermath of a disaster. The release of any funds specifically appropriated to implement this subsection must be approved by the Legislative Budget Commission. The department shall submit a funding plan for improved logistical staging and warehouse capacity to the Legislative Budget Commission for approval by September 1, 2006. Procurement of technologies to perform inventory tracking and commodities management must comply with the provisions of s. 287.057, Florida Statutes, requiring competitive bids.

(5) The Legislature finds that hurricane evacuation planning is a critical task that must be completed in the most effective and efficient manner possible. Appropriated funds may be used to update current regional evacuation plans and shall incorporate current transportation networks, behavioral studies, and vulnerability studies. In addition, funds may be used to perform computer-modeling analysis on the effects of storm-surge events. Procurement of technologies to perform the updates and computer modeling must comply with the provisions s. 287.057, Florida Statutes, requiring competitive bids.

Section 2. The sum of \$13.2 million in fixed capital outlay is appropriated from the General Revenue Fund and the sum of \$39.6 million is appropriated from the U.S. Contributions Trust Fund to the Department of Community Affairs for the purpose of implementing the provisions of this act relating to providing emergency power generators in special-needs shelters during the 2006-2007 state fiscal year. The Department of Community Affairs may not use more than 5 percent of these funds to administer the funding provided.

Section 3. The sum of \$15 million in fixed capital outlay is appropriated from the U.S. Contributions Trust Fund to the Department of Community Affairs for the purpose of implementing the provisions of this act relating to retrofitting public hurricane evacuation shelters during the 2006-2007 state fiscal year. The Department of Community Affairs may not use more than 5 percent of these funds to administer the funding provided.

Section 4. The sum of \$29 million is appropriated from the U.S. Contributions Trust Fund to the Department of Community Affairs for the purpose of implementing the provisions of this act relating to hurricane evacuation planning during the 2006-2007 state fiscal year. The Department of Community Affairs may not use more than 5 percent of these funds to administer the funding provided.

Section 5. The sum of \$2.1 million in recurring funds is appropriated from the General Revenue Fund and the sum of \$4.4 million is appropriated from the Emergency Management Preparedness and Assistance Trust Fund to the Department of Community Affairs for the 2006-2007 state fiscal year. Notwithstanding s. 252.373, Florida Statutes, these funds may be used to implement the provisions of this act relating to improved logistical staging and warehouse capacity for commodities.

Section 6. The sum of \$20 million in fixed capital outlay is appropriated from the General Revenue Fund and the sum of \$25 million is appropriated from the U.S. Contributions Trust Fund to the Department of Community Affairs for the purpose of implementing the provisions of this act relating to county emergency operations centers and designated alternate state emergency operations centers during the 2006-2007 state fiscal year. The Department of Community Affairs may not use more than 5 percent of these funds to administer the funding provided.

Section 7. The sum of \$3.4 million is appropriated from the U.S. Contributions Trust Fund to the Department of Community Affairs for the purpose of implementing the provisions of this act relating to enhanced public education and information on hurricane preparedness during the 2006-2007 state fiscal year.

Section 8. The Legislature finds that there is a compelling need to better coordinate emergency response capabilities among local, state, federal, nongovernment, and private sector partners to provide the best and most effective postdisaster services to the people of the State of Florida. In order to encourage the rapid recovery of economies in disaster affected areas, the Legislature finds that programs to restore normal commerce in communities should be a part of the State Comprehensive Emergency Management Plan. The Legislature recognizes nongovernment agencies and the private sector as key partners in disaster preparedness, response, and recovery. Further, the Legislature recognizes the demonstrated abilities and contributions of these entities in successfully providing logistical support and commodities through well-proven distribution systems. In order to enhance the State Comprehensive Plan, the Division of Emergency Management within the Department of Community Affairs is directed to conduct a feasibility study on incorporating into the state's emergency management plan the logistical supply and distribution of essential commodities by nongovernment agencies and private entities. In conducting the study, the division shall consult with the Florida Retail Federation, the Florida Petroleum Council, the Florida Petroleum Marketers and Convenience Store Association, the Florida Emergency Preparedness Association, the American Red Cross, Volunteer Florida, and other entities as appropriate. As part of the study, the division shall create a set of operational standards that may be adopted by retail establishments to qualify for preemption from local government regulations in response to a disaster. No later than February 1, 2007, the division shall make recommendations based on the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and shall provide a set of operational standards for retail establishments which are recognized as part of the state emergency management plan. These standards must be met in order for retail establishments to participate in the state emergency response to a disaster and to qualify for preemption of regulation of such businesses to the state during such a response.

Section 9. Effective July 1, 2006, section 526.143, Florida Statutes, is created to read:

526.143 Alternate generated power capacity for motor fuel dispensing facilities.—

(1) By June 1, 2007, each motor fuel terminal facility, as defined in s. 526.303(16), and each wholesaler, as defined in s. 526.303(17), which sells motor fuel in this state must be capable of operating its distribution loading racks using an alternate generated power source for a minimum of 72 hours. Pending a postdisaster examination of the equipment by the operator to determine any extenuating damage that would render it unsafe to use, the facility must have such alternate generated power source available for operation no later than 36 hours after a major disaster as defined in s. 252.34. Installation of appropriate wiring, including a

transfer switch, shall be performed by a certified electrical contractor. Each business that is subject to this subsection must keep a copy of the documentation of such installation on site or at its corporate headquarters. In addition, each business must keep a written statement attesting to the periodic testing and ensured operational capacity of the equipment. The required documents must be made available, upon request, to the Division of Emergency Management and the director of the county emergency management agency.

(2) Each newly constructed or substantially renovated motor fuel retail outlet, as defined in s. 526.303(14), for which a certificate of occupancy is issued on or after July 1, 2006, shall be prewired with an appropriate transfer switch, and capable of operating all fuel pumps, dispensing equipment, life-safety systems, and payment-acceptance equipment using an alternate generated power source. As used in this subsection, the term "substantially renovated" means a renovation that results in an increase of greater than 50 percent in the assessed value of the motor fuel retail outlet. Local building inspectors shall include this equipment and operations check in the normal inspection process before issuing a certificate of occupancy. Each retail outlet that is subject to this subsection must keep a copy of the certificate of occupancy on site or at its corporate headquarters. In addition, each retail outlet must keep a written statement attesting to the periodic testing of and ensured operational capability of the equipment. The required documents must be made available, upon request, to the Division of Emergency Management and the director of the county emergency management agency.

(3)(a) No later than June 1, 2007, each motor fuel retail outlet described in subparagraph 1., subparagraph 2., or subparagraph 3., which is located within one-half mile proximate to an interstate highway or state or federally designated evacuation route must be prewired with an appropriate transfer switch and be capable of operating all fuel pumps, dispensing equipment, life-safety systems, and payment-acceptance equipment using an alternate generated power source:

1. A motor fuel retail outlet located in a county having a population of 300,000 or more which has 16 or more fueling positions.
2. A motor fuel retail outlet located in a county having a population of 100,000 or more, but fewer than 300,000, which has 12 or more fueling positions.
3. A motor fuel retail outlet located in a county having a population of fewer than 100,000 which has eight or more fueling positions.

(b) Installation of appropriate wiring and transfer switches must be performed by a certified electrical contractor. Each retail outlet that is subject to this subsection must keep a copy of the documentation of such installation on site or at its corporate headquarters. In addition, each retail outlet must keep a written statement attesting to the periodic testing of and ensured operational capacity of the equipment. The required documents must be made available, upon request, to the Division of Emergency Management and the director of the county emergency management agency.

(4)(a) Subsections (2) and (3) apply to any self-service, full-service, or combination self-service and full-service motor fuel retail outlet regardless of whether the retail outlet is located on the grounds of, or is owned by, another retail business establishment that does not engage in the business of selling motor fuel.

(b) Subsections (2) and (3) do not apply to:

1. An automobile dealer;
2. A person who operates a fleet of motor vehicles;
3. A person who sells motor fuel exclusively to a fleet of motor vehicles; or
4. A motor fuel retail outlet that has a written agreement with a public hospital, in a form approved by the Division of Emergency Management, wherein the public hospital agrees to provide the motor fuel retail outlet with an alternative means of power generation onsite so that the outlet's fuel pumps may be operated in the event of a power outage.

(5)(a) Each corporation or other entity that owns 10 or more motor fuel retail outlets located within a single county shall maintain at least one portable generator that is capable of providing an alternate generated

power source as required under subsection (2) for every 10 outlets. If an entity owns more than 10 outlets or a multiple of 10 outlets plus an additional six outlets, the entity must provide one additional generator to accommodate such additional outlets. Each portable generator must be stored within this state, or may be stored in another state if located within 250 miles of this state, and must be available for use in an affected location within 24 hours after a disaster.

(b) Each corporation or other entity that owns 10 or more motor fuel retail outlets located within a single domestic security region, as determined pursuant to s. 943.0312(1), and that does not own additional outlets located outside the domestic security region shall maintain a written document of agreement with one or more similarly equipped entities for the use of portable generators that may be used to meet the requirements of paragraph (a) and that are located within this state but outside the affected domestic security region. The agreement may be reciprocal, may allow for payment for services rendered by the providing entity, and must guarantee the availability of the portable generators to an affected location within 24 hours after a disaster.

(c) For purposes of this section, ownership of a motor fuel retail outlet shall be the owner of record of the fuel storage systems operating at the location, as identified in the Department of Environmental Protection underground storage facilities registry pursuant to s. 376.303(1).

Section 10. Effective July 1, 2006, section 526.144, Florida Statutes, is created to read:

526.144 Florida Disaster Motor Fuel Supplier Program.—

(1)(a) There is created the Florida Disaster Motor Fuel Supplier Program within the Department of Community Affairs.

(b) Participation in the program shall be at the option of each county governing body. In counties choosing to participate in the program, the local emergency management agency shall be primarily responsible for administering the program within those counties. Nothing in this section requires participation in the program.

(c) In participating counties, the Florida Disaster Motor Fuel Supplier Program shall allow any retail motor fuel outlet doing business in those counties to participate in a network of emergency responders to provide fuel supplies and services to government agencies, medical institutions and facilities, critical infrastructure, and other responders, as well as the general public, during a declared disaster as described in s. 252.36(2).

(d) Retail motor fuel outlets doing business in participating counties that choose to become members of the Florida Disaster Motor Fuel Supplier Program must be able to demonstrate the capability to provide onsite fuel dispensing services to other members of the State Emergency Response Team within 24 hours after a major disaster has occurred and agree to make such service available as needed. Local emergency management agencies may determine appropriate measures for determining such readiness, including acceptance of a written attestation from the retail motor fuel outlet, a copy of an executed contract for services, or other documents or activities that demonstrate readiness. Participating retail motor fuel outlets may choose to sell motor fuel through a pre-existing contract with local, state, or federal response agencies or may provide point-of-sale service to such agencies. In addition, participating retail motor fuel outlets may choose to sell motor fuel to the general public upon compliance with requirements to provide service under ss. 252.35 and 252.38 as directed by county or state emergency management officials. This section does not preclude any retail motor fuel outlet from selling fuel during lawful operating hours. Nonparticipating motor fuel retail outlets may not operate during declared curfew hours. If requested, appropriate law enforcement or security personnel may be provided through emergency management protocol to the participating business for the purpose of maintaining civil order during operating hours.

(e) Motor fuel outlets that choose to participate in the Florida Disaster Motor Fuel Supplier Program pursuant to paragraph (d) may be issued a State Emergency Response Team logo by the participating county emergency management agency for public display to alert emergency responders and the public that the business is capable of assisting in an emergency.

(f) Counties that choose to participate in the Florida Disaster Motor Fuel Supplier Program may charge a fee to cover the actual costs of

accepting a retail motor fuel outlet into the program, including the cost of performing any required review, filing of necessary forms, and producing logo decals for public display. Additional charges may not be imposed for processing individual documents associated with the program. Funds collected shall be deposited into an appropriate county operating account.

(3) Persons who are designated as members of the State Emergency Response Team and who can produce appropriate identification, as determined by state or county emergency management officials, shall be given priority for purchasing fuel at businesses designated as members of the State Emergency Response Team. A business may be directed by county or state emergency management officials to remain open during a declared curfew in order to provide service for emergency personnel. Under such direction, the business is not in violation of the curfew and may not be penalized for such operation and the emergency personnel are not in violation of the curfew. A person traveling during a curfew must be able to produce valid official documentation of his or her position with the State Emergency Response Team or the local emergency management agency. Such documentation may include, but need not be limited to, a current SERT identification badge, current law enforcement or other response agency identification or shield, current health care employee identification card, or current government services identification card indicating a critical services position.

(4) A business that is designated as a member of the State Emergency Response Team may request priority in receiving a resupply of fuel in order to continue service to emergency responders. Such request is not binding but shall be considered by emergency management officials in determining appropriate response actions.

(5)(a) Notwithstanding any other law or local ordinance and for the purpose of ensuring an appropriate emergency management response following major disasters in this state, the regulation, siting, and placement of alternate power source capabilities and equipment at motor fuel terminal facilities, motor fuel wholesalers, and motor fuel retail sales outlets are preempted to the state.

(b) Notwithstanding any other law or other ordinance and for the purpose of ensuring an appropriate emergency management response following major disasters in this state, the regulation of all other retail establishments participating in such response shall be as follows:

1. Regulation of retail establishments that meet the standards created by the Division of Emergency Management in the report required in section 8 of this act by July 1, 2007, is preempted to the state;

2. The division shall provide written certification of such preemption to retail establishments that qualify and shall provide such information to local governments upon request; and

3. Regulation of retail establishments that do not meet the operational standards is subject to local government laws or ordinances.

(6) The Energy Office of the Department of Environmental Protection shall review situational progress in post-disaster motor fuel supply distribution and provide a report to the Legislature by March 1, 2007. The report must include information concerning statewide compliance with s. 526.143, Florida Statutes, and an identification of all motor fuel retail outlets that are participating in the Florida Disaster Motor Fuel Supplier Program.

Section 11. Effective July 1, 2006, subsection (2) of section 501.160, Florida Statutes, is amended to read:

501.160 Rental or sale of essential commodities during a declared state of emergency; prohibition against unconscionable prices.—

(2) Upon a declaration of a state of emergency by the Governor, it is unlawful and a violation of s. 501.204 for a person or her or his agent or employee to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency. This prohibition is effective not to exceed 60 days under the initial declared state of emergency as defined in s. 252.36(2) and shall be renewed by statement in any subsequent renewals of the declared state of emergency by the Governor ~~remains in effect until the declaration expires or is terminated.~~

Section 12. Effective July 1, 2006, section 553.509, Florida Statutes, is amended to read:

553.509 Vertical accessibility.—

(1) Nothing in sections 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure, or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility, except for:

(a)(1) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks, and automobile lubrication and maintenance pits and platforms;

(b)(2) Unoccupiable spaces, such as rooms, enclosed spaces, and storage spaces that are not designed for human occupancy, for public accommodations, or for work areas; and

(c)(3) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to, equipment control rooms and projection booths.

(2)(a) Any person, firm, or corporation that owns, manages, or operates a residential multifamily dwelling, including a condominium, that is at least 75 feet high and contains a public elevator, as described in s. 399.035(2) and (3) and rules adopted by the Florida Building Commission, shall have at least one public elevator that is capable of operating on an alternate power source for emergency purposes. Alternate power shall be available for the purpose of allowing all residents access for a specified number of hours each day over a 5-day period following a natural disaster, manmade disaster, emergency, or other civil disturbance that disrupts the normal supply of electricity. The alternate power source that controls elevator operations must also be capable of powering any connected fire alarm system in the building.

(b) At a minimum, the elevator must be appropriately pre-wired and prepared to accept an alternate power source and must have a connection on the line side of the main disconnect, pursuant to National Electric Code Handbook, Article 700. In addition to the required power source for the elevator and connected fire alarm system in the building, the alternate power supply must be sufficient to provide emergency lighting to the interior lobbies, hallways, and other portions of the building used by the public. Residential multifamily dwellings must have an available generator and fuel source on the property or have proof of a current contract posted in the elevator machine room or other place conspicuous to the elevator inspector affirming a current guaranteed service contract for such equipment and fuel source to operate the elevator on an on-call basis within 24 hours after a request. By December 31, 2006, any person, firm or corporation that owns, manages or operates a residential multifamily dwelling as defined in paragraph (4)(a) must provide to the local building inspection agency verification of engineering plans for residential multifamily dwellings that provide for the capability to generate power by alternate means. Compliance with installation requirements and operational capability requirements must be verified by local building inspectors and reported to the county emergency management agency by December 31, 2007.

(c) Each newly constructed residential multifamily dwelling, including a condominium, that is at least 75 feet high and contains a public elevator, as described in s. 399.035(2) and (3) and rules adopted by the Florida Building Commission, must have at least one public elevator that is capable of operating on an alternate power source for the purpose of allowing all residents access for a specified number of hours each day over a 5-day period following a natural disaster, manmade disaster, emergency, or other civil disturbance that disrupts the normal supply of electricity. The alternate power source that controls elevator operations must be capable of powering any connected fire alarm system in the building. In addition to the required power source for the elevator and connected fire alarm system, the alternate power supply must be sufficient to provide emergency lighting to the interior lobbies, hallways, and other portions of the building used by the public. Engineering plans and verification of operational capability must be provided by the local building inspector to the county emergency management agency before occupancy of the newly constructed building.

(d) Each person, firm, or corporation that is required to maintain an alternate power source under this subsection shall maintain a written

emergency operations plan that details the sequence of operations before, during, and after a natural or manmade disaster or other emergency situation. The plan must include, at a minimum, a life safety plan for evacuation, maintenance of the electrical and lighting supply, and provisions for the health, safety, and welfare of the residents. In addition, the owner, manager, or operator of the residential multifamily dwelling must keep written records of any contracts for alternative power generation equipment. Also, quarterly inspection records of life safety equipment and alternate power generation equipment must be posted in the elevator machine room or other place conspicuous to the elevator inspector, which confirm that such equipment is properly maintained and in good working condition, and copies of contracts for alternate power generation equipment shall be maintained on site for verification. The written emergency operations plan and inspection records shall also be open for periodic inspection by local and state government agencies as deemed necessary. The owner or operator must keep a generator key in a lockbox posted at or near any installed generator unit.

(e) Multistory affordable residential dwellings for persons age 62 and older that are financed or insured by the United States Department of Housing and Urban Development must make every effort to obtain grant funding from the Federal Government or the Florida Housing Finance Corporation to comply with this subsection. If an owner of such a residential dwelling cannot comply with the requirements of this subsection, the owner must develop a plan with the local emergency management agency to ensure that residents are evacuated to a place of safety in the event of a power outage resulting from a natural or manmade disaster or other emergency situation that disrupts the normal supply of electricity for an extended period of time. A place of safety may include, but is not limited to, relocation to an alternative site within the building or evacuation to a local shelter.

(f) As a part of the annual elevator inspection required under s. 399.061, certified elevator inspectors shall confirm that all installed generators required by this chapter are in working order, have current inspection records posted in the elevator machine room or other place conspicuous to the elevator inspector, and that the required generator key is present in the lockbox posted at or near the installed generator. If a building does not have an installed generator, the inspector shall confirm that the appropriate pre-wiring and switching capabilities are present and that a statement is posted in the elevator machine room or other place conspicuous to the elevator inspector affirming a current guaranteed contract exists for contingent services for alternate power is current for the operating period.

However, buildings, structures, and facilities must, as a minimum, comply with the requirements in the Americans with Disabilities Act Accessibility Guidelines.

Section 13. Effective July 1, 2006, paragraph (i) of subsection (2) of section 252.35, Florida Statutes, is amended, present paragraphs (j) through (q) of that subsection are redesignated as paragraphs (k) through (r), respectively, present paragraphs (r) through (v) of that subsection are redesignated as paragraphs (u) through (y), respectively, and new paragraphs (j), (s), and (t) are added to that subsection to read:

252.35 Emergency management powers; Division of Emergency Management.—

(2) The division is responsible for carrying out the provisions of ss. 252.31-252.90. In performing its duties under ss. 252.31-252.90, the division shall:

(i) Institute statewide public awareness programs. This shall include an intensive public educational campaign on emergency preparedness issues, including, but not limited to, the personal responsibility of individual citizens to be self-sufficient for up to 72 hours following a natural or manmade disaster. The public educational campaign shall include relevant information on statewide disaster plans, evacuation routes, fuel suppliers, and shelters. All educational materials must be available in alternative formats and mediums to ensure that they are available to persons with disabilities.

(j) The Division of Emergency Management and the Department of Education shall coordinate with the Agency For Persons with Disabilities to provide an educational outreach program on disaster preparedness and readiness to individuals who have limited English skills and identify persons who are in need of assistance but are not defined under special-needs criteria.

(s) *By January 1, 2007, the Division of Emergency Management shall complete an inventory of portable generators owned by the state and local governments which are capable of operating during a major disaster. The inventory must identify, at a minimum, the location of each generator, the number of generators stored at each specific location, the agency to which each the generator belongs, the primary use of the generator by the owner agency, and the names, addresses, and telephone numbers of persons having the authority to loan the stored generators as authorized by the Division of Emergency Management during a declared emergency.*

(t) *The division shall maintain an inventory list of generators owned by the state and local governments. In addition, the division may keep a list of private entities, along with appropriate contact information, which offer generators for sale or lease. The list of private entities shall be available to the public for inspection in written and electronic formats.*

Section 14. *There is appropriated \$76,150 in nonrecurring general revenue funds to the Department of Community Affairs for a study on the feasibility of incorporating nongovernment agencies and private entities into the logistical supply and distribution system for essential commodities. This section takes effect July 1, 2006.*

Section 15. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 16. Effective July 1, 2006, section 252.355, Florida Statutes, is amended to read:

252.355 Registry of persons with special needs; notice.—

(1) In order to meet the special needs of persons who would need assistance during evacuations and sheltering because of physical, mental, cognitive impairment, or sensory disabilities, each local emergency management agency in the state shall maintain a registry of persons with special needs located within the jurisdiction of the local agency. The registration shall identify those persons in need of assistance and plan for resource allocation to meet those identified needs. To assist the local emergency management agency in identifying such persons, home health agencies, hospices, nurse registries, home medical equipment providers, the Department of Children and Family Services, Department of Health, Agency for Health Care Administration, Department of Education, Agency for Persons with Disabilities, ~~Labor and Employment Security~~, and Department of Elderly Affairs shall provide registration information to all of their special needs clients and to all persons with special needs who receive services ~~incoming clients as a part of the intake process~~. The registry shall be updated annually. The registration program shall give persons with special needs the option of preauthorizing emergency response personnel to enter their homes during search and rescue operations if necessary to assure their safety and welfare following disasters.

(2) *The Department of Community Affairs shall be the designated lead agency responsible for community education and outreach to the public, including special needs clients, regarding registration and special needs shelters and general information regarding shelter stays.*

(3) *A person with special needs must be allowed to bring his or her service animal into a special needs shelter in accordance with s. 413.08.*

(4)(a)(2) *On or before May 31 May 1 of each year each electric utility in the state shall annually notify residential customers in its service area of the availability of the registration program available through their local emergency management agency by:*

1. *An initial notification upon the activation of new residential service with the electric utility, followed by one annual notification between January 1 and May 31; or*

2. *Two separate annual notifications between January 1 and May 31.*

(b) *The notification may be made by any available means, including, but not limited to, written, electronic, or verbal notification, and may be made concurrently with any other notification to residential customers required by law or rule.*

(5)(3) *All records, data, information, correspondence, and communications relating to the registration of persons with special needs as*

provided in subsection (1) are confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to other emergency response agencies, as determined by the local emergency management director. Local law enforcement agencies shall be given complete shelter roster information upon request.

(6)(4) *All appropriate agencies and community-based service providers, including home health care providers, hospices, nurse registries, and home medical equipment providers, shall assist emergency management agencies by collecting registration information for persons with special needs as part of program intake processes, establishing programs to increase the awareness of the registration process, and educating clients about the procedures that may be necessary for their safety during disasters. Clients of state or federally funded service programs with physical, mental, cognitive impairment, or sensory disabilities who need assistance in evacuating, or when in shelters, must register as persons with special needs.*

Section 17. Effective July 1, 2006, section 252.3568, Florida Statutes, is created to read:

252.3568 *Emergency sheltering of persons with pets.—In accordance with s. 252.35, the division shall address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan and shall include the requirement for similar strategies in its standards and requirements for local comprehensive emergency management plans. The Department of Agriculture and Consumer Services shall assist the division in determining strategies regarding this activity.*

Section 18. Effective July 1, 2006, section 252.357, Florida Statutes, is created to read:

252.357 *Monitoring of nursing homes and assisted living facilities during disaster.—The Florida Comprehensive Emergency Management Plan shall permit the Agency for Health Care Administration, working from the agency's offices or in the Emergency Operations Center, ESF-8, to make initial contact with each nursing home and assisted living facility in the disaster area. The agency, by July 15, 2006, and annually thereafter, shall publish on the Internet an emergency telephone number that may be used by nursing homes and assisted living facilities to contact the agency on a schedule established by the agency to report requests for assistance. The agency may also provide the telephone number to each facility when it makes the initial facility call.*

Section 19. Effective July 1, 2006, subsections (2) and (4) of section 252.385, Florida Statutes, are amended to read:

252.385 Public shelter space.—

(2)(a) *The division shall administer a program to survey existing schools, universities, community colleges, and other state-owned, municipally owned, and county-owned public buildings and any private facility that the owner, in writing, agrees to provide for use as a public hurricane evacuation shelter to identify those that are appropriately designed and located to serve as such shelters. The owners of the facilities must be given the opportunity to participate in the surveys. The state university boards of trustees ~~Board of Regents~~, district school boards, community college boards of trustees, and the Department of Education are responsible for coordinating and implementing the survey of public schools, universities, and community colleges with the division or the local emergency management agency.*

(b) *By January 31 of each even-numbered year, the division shall prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval, subject to the requirements for approval in s. 1013.37(2). The plan shall identify the general location and square footage of special needs shelters, by regional planning council region, during the next 5 years. The plan shall also include information on the availability of shelters that accept pets. The Department of Health shall assist the division in determining the estimated need for special needs shelter space and the adequacy of facilities to meet the needs of persons with special needs based on information from the registries of persons with special needs and other information.*

(4)(a) *Public facilities, including schools, postsecondary education facilities, and other facilities owned or leased by the state or local governments, but excluding hospitals, hospice care facilities, assisted living facilities, and ~~or~~ nursing homes, which are suitable for use as public*

hurricane evacuation shelters shall be made available at the request of the local emergency management agencies. *The local emergency management agency shall coordinate with these entities to ensure that designated facilities are ready to activate prior to a specific hurricane or disaster.* Such agencies shall coordinate with the appropriate school board, university, community college, or local governing board when requesting the use of such facilities as public hurricane evacuation shelters.

(b) The Department of Management Services shall incorporate provisions for the use of suitable leased public facilities as public hurricane evacuation shelters into lease agreements for state agencies. Suitable leased public facilities include leased public facilities that are solely occupied by state agencies and have at least 2,000 square feet of net floor area in a single room or in a combination of rooms having a minimum of 400 square feet in each room. The net square footage of floor area *shall* ~~must~~ be determined by subtracting from the gross square footage the square footage of spaces such as mechanical and electrical rooms, storage rooms, open corridors, restrooms, kitchens, science or computer laboratories, shop or mechanical areas, administrative offices, records vaults, and crawl spaces.

(c) The Department of Management Services shall, in consultation with local and state emergency management agencies, assess Department of Management Services facilities to identify the extent to which each facility has public hurricane evacuation shelter space. The Department of Management Services shall submit proposed facility retrofit projects that incorporate hurricane protection enhancements to the department for assessment and inclusion in the annual report prepared in accordance with subsection (3).

Section 20. Effective July 1, 2006, section 381.0303, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 381.0303, F.S., for present text.)

381.0303 *Special needs shelters.*—

(1) **PURPOSE.**—*The purpose of this section is to provide for the operation and closure of special needs shelters and to designate the Department of Health, through its county health departments, as the lead agency for coordination of the recruitment of health care practitioners, as defined in s. 456.001(4), to staff special needs shelters in times of emergency or disaster and to provide resources to the department to carry out this responsibility. However, nothing in this section prohibits a county health department from entering into an agreement with a local emergency management agency to assume the lead responsibility for recruiting health care practitioners.*

(2) **SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY ASSISTANCE.**—*If funds have been appropriated to support disaster coordinator positions in county health departments:*

(a) *The department shall assume lead responsibility for the coordination of local medical and health care providers, the American Red Cross, and other interested parties in developing a plan for the staffing and medical management of special needs shelters. The local Children's Medical Services offices shall assume lead responsibility for the coordination of local medical and health care providers, the American Red Cross, and other interested parties in developing a plan for the staffing and medical management of pediatric special needs shelters. Plans must conform to the local comprehensive emergency management plan.*

(b) *County health departments shall, in conjunction with the local emergency management agencies, have the lead responsibility for coordination of the recruitment of health care practitioners to staff local special needs shelters. County health departments shall assign their employees to work in special needs shelters when those employees are needed to protect the health and safety of persons with special needs. County governments shall assist the department with nonmedical staffing and the operation of special needs shelters. The local health department and emergency management agency shall coordinate these efforts to ensure appropriate staffing in special needs shelters.*

(c) *The appropriate county health department, Children's Medical Services office, and local emergency management agency shall jointly decide who has responsibility for medical supervision in each special needs shelter.*

(d) *Local emergency management agencies shall be responsible for the designation and operation of special needs shelters during times of emergency or disaster and the closure of the facilities following an emergency or disaster. The local health department and emergency management agency shall coordinate these efforts to ensure the appropriate designation and operation of special needs shelters. County health departments shall assist the local emergency management agency with regard to the management of medical services in special needs shelters.*

(e) *The Secretary of Elderly Affairs, or his or her designee, shall convene, at any time that he or she deems appropriate and necessary, a multiagency special needs shelter discharge planning team to assist local areas that are severely impacted by a natural or manmade disaster that requires the use of special needs shelters. Multiagency special needs shelter discharge planning teams shall provide assistance to local emergency management agencies with the continued operation or closure of the shelters, as well as with the discharge of special needs clients to alternate facilities if necessary. Local emergency management agencies may request the assistance of a multiagency special needs shelter discharge planning team by alerting statewide emergency management officials of the necessity for additional assistance in their area. The Secretary of Elderly Affairs is encouraged to proactively work with other state agencies prior to any natural disasters for which warnings are provided to ensure that multiagency special needs shelter discharge planning teams are ready to assemble and deploy rapidly upon a determination by state emergency management officials that a disaster area requires additional assistance. The Secretary of Elderly Affairs may call upon any state agency or office to provide staff to assist a multiagency special needs shelter discharge planning team. Unless the secretary determines that the nature or circumstances surrounding the disaster do not warrant participation from a particular agency's staff, each multiagency special needs shelter discharge planning team shall include at least one representative from each of the following state agencies:*

1. Department of Elderly Affairs.
2. Department of Health.
3. Department of Children and Family Services.
4. Department of Veterans' Affairs.
5. Department of Community Affairs.
6. Agency for Health Care Administration.
7. Agency for Persons with Disabilities.

(3) **REIMBURSEMENT TO HEALTH CARE PRACTITIONERS AND FACILITIES.**—

(a) *The department shall, upon request, reimburse in accordance with paragraph (b):*

1. *Health care practitioners, as defined in s. 456.001, provided the practitioner is not providing care to a patient under an existing contract, and emergency medical technicians and paramedics licensed under chapter 401 for medical care provided at the request of the department in special needs shelters or at other locations during times of emergency or a declared disaster. Reimbursement for health care practitioners, except for physicians licensed under chapter 458 or chapter 459, shall be based on the average hourly rate that such practitioners were paid according to the most recent survey of Florida hospitals conducted by the Florida Hospital Association or other nationally recognized or state-recognized data source.*

2. *Health care facilities, such as hospitals, nursing homes, assisted living facilities, and community residential homes, if, upon closure of a special needs shelter, a multiagency special needs shelter discharge planning team determines that it is necessary to discharge persons with special needs to other health care facilities. The receiving facilities are eligible for reimbursement for services provided to the individuals for up to 90 days. A facility must show proof of a written request from a representative of an agency serving on the multiagency special needs shelter discharge planning team that the individual for whom the facility is seeking reimbursement for services rendered was referred to that facility from a special needs shelter. The department shall specify by rule which expenses are reimbursable and the rate of reimbursement for each service.*

(b) *Reimbursement is subject to the availability of federal funds and shall be requested on forms prepared by the department. If a Presidential Disaster Declaration has been issued, the department shall request federal reimbursement of eligible expenditures. The department may not provide reimbursement to facilities under this subsection for services provided to a person with special needs if, during the period of time in which the services were provided, the individual was enrolled in another state-funded program, such as Medicaid or another similar program, was covered under a policy of health insurance as defined in s. 624.603, or was a member of a health maintenance organization or prepaid health clinic as defined in chapter 641, which would otherwise pay for the same services. Travel expense and per diem costs shall be reimbursed pursuant to s. 112.061.*

(4) **HEALTH CARE PRACTITIONER REGISTRY.**—*The department may use the registries established in ss. 401.273 and 456.38 when health care practitioners are needed to staff special needs shelters or to assist with other disaster-related activities.*

(5) **SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.**—*The Secretary of Health may establish a special needs shelter interagency committee and serve as, or appoint a designee to serve as, the committee's chair. The department shall provide any necessary staff and resources to support the committee in the performance of its duties. The committee shall address and resolve problems related to special needs shelters not addressed in the state comprehensive emergency medical plan and shall consult on the planning and operation of special needs shelters.*

(a) *The committee shall:*

1. *Develop, negotiate, and regularly review any necessary interagency agreements.*
2. *Undertake other such activities as the department deems necessary to facilitate the implementation of this section.*
3. *Submit recommendations to the Legislature as necessary.*

(b) *The special needs shelter interagency committee shall be composed of representatives of emergency management, health, medical, and social services organizations. Membership shall include, but shall not be limited to, representatives of the Departments of Health, Community Affairs, Children and Family Services, Elderly Affairs, and Education; the Agency for Health Care Administration; the Florida Medical Association; the Florida Osteopathic Medical Association; Associated Home Health Industries of Florida, Inc.; the Florida Nurses Association; the Florida Health Care Association; the Florida Assisted Living Affiliation; the Florida Hospital Association; the Florida Statutory Teaching Hospital Council; the Florida Association of Homes for the Aging; the Florida Emergency Preparedness Association; the American Red Cross; Florida Hospices and Palliative Care, Inc.; the Association of Community Hospitals and Health Systems; the Florida Association of Health Maintenance Organizations; the Florida League of Health Systems; the Private Care Association; the Salvation Army; the Florida Association of Aging Services Providers; the AARP; and the Florida Renal Coalition.*

(c) *Meetings of the committee shall be held in Tallahassee, and members of the committee shall serve at the expense of the agencies or organizations they represent. The committee shall make every effort to use teleconference or video conference capabilities in order to ensure statewide input and participation.*

(6) **RULES.**—*The department has the authority to adopt rules necessary to implement this section. Rules shall include:*

(a) *The definition of a "person with special needs," including eligibility criteria for individuals with physical, mental, cognitive impairment, or sensory disabilities and the services a person with special needs can expect to receive in a special needs shelter.*

(b) *The process for special needs shelter health care practitioners and facility reimbursement for services provided in a disaster.*

(c) *Guidelines for special needs shelter staffing levels to provide services.*

(d) *The definition of and standards for special needs shelter supplies and equipment, including durable medical equipment.*

(e) *Standards for the special needs shelter registration process, including guidelines for addressing the needs of unregistered persons in need of a special needs shelter.*

(f) *Standards for addressing the needs of families where only one dependent is eligible for admission to a special needs shelter and the needs of adults with special needs who are caregivers for individuals without special needs.*

(g) *The requirement of the county health departments to seek the participation of hospitals, nursing homes, assisted living facilities, home health agencies, hospice providers, nurse registries, home medical equipment providers, dialysis centers, and other health and medical emergency preparedness stakeholders in pre-event planning activities.*

(7) **EMERGENCY MANAGEMENT PLANS.**—*The submission of emergency management plans to county health departments by home health agencies, nurse registries, hospice programs, and home medical equipment providers is conditional upon receipt of an appropriation by the department to establish disaster coordinator positions in county health departments unless the secretary of the department and a local county commission jointly determine to require that such plans be submitted based on a determination that there is a special need to protect public health in the local area during an emergency.*

Section 21. Effective July 1, 2006, section 400.492, Florida Statutes, is amended to read:

400.492 Provision of services during an emergency.—Each home health agency shall prepare and maintain a comprehensive emergency management plan that is consistent with the standards adopted by national or state accreditation organizations and consistent with the local special needs plan. The plan shall be updated annually and shall provide for continuing home health services during an emergency that interrupts patient care or services in the patient's home. *The plan shall include the means by which the home health agency will continue to provide staff to perform the same type and quantity of services to their patients who evacuate to special needs shelters that were being provided to those patients prior to evacuation.* The plan shall describe how the home health agency establishes and maintains an effective response to emergencies and disasters, including: notifying staff when emergency response measures are initiated; providing for communication between staff members, county health departments, and local emergency management agencies, including a backup system; identifying resources necessary to continue essential care or services or referrals to other organizations subject to written agreement; and prioritizing and contacting patients who need continued care or services.

(1) Each patient record for patients who are listed in the registry established pursuant to s. 252.355 shall include a description of how care or services will be continued in the event of an emergency or disaster. The home health agency shall discuss the emergency provisions with the patient and the patient's caregivers, including where and how the patient is to evacuate, procedures for notifying the home health agency in the event that the patient evacuates to a location other than the shelter identified in the patient record, and a list of medications and equipment which must either accompany the patient or will be needed by the patient in the event of an evacuation.

(2) Each home health agency shall maintain a current prioritized list of patients who need continued services during an emergency. The list shall indicate how services shall be continued in the event of an emergency or disaster for each patient and if the patient is to be transported to a special needs shelter, and shall indicate if the patient is receiving skilled nursing services and the patient's medication and equipment needs. The list shall be furnished to county health departments and to local emergency management agencies, upon request.

(3) Home health agencies shall not be required to continue to provide care to patients in emergency situations that are beyond their control and that make it impossible to provide services, such as when roads are impassable or when patients do not go to the location specified in their patient records. *Home health agencies may establish links to local emergency operations centers to determine a mechanism by which to approach specific areas within a disaster area in order for the agency to reach its clients. Home health agencies shall demonstrate a good faith effort to comply with the requirements of this subsection by documenting attempts of staff to follow procedures outlined in the home health agency's comprehensive emergency management plan, and by the patient's record, which*

support a finding that the provision of continuing care has been attempted for those patients who have been identified as needing care by the home health agency and registered under s. 252.355, in the event of an emergency or disaster under subsection (1).

(4) Notwithstanding the provisions of s. 400.464(2) or any other provision of law to the contrary, a home health agency may provide services in a special needs shelter located in any county.

Section 22. Effective July 1, 2006, subsection (8) of section 400.497, Florida Statutes, is amended to read:

400.497 Rules establishing minimum standards.—The agency shall adopt, publish, and enforce rules to implement this part, including, as applicable, ss. 400.506 and 400.509, which must provide reasonable and fair minimum standards relating to:

(8) Preparation of a comprehensive emergency management plan pursuant to s. 400.492.

(a) The Agency for Health Care Administration shall adopt rules establishing minimum criteria for the plan and plan updates, with the concurrence of the Department of Health and in consultation with the Department of Community Affairs.

(b) The rules must address the requirements in s. 400.492. In addition, the rules shall provide for the maintenance of patient-specific medication lists that can accompany patients who are transported from their homes.

(c) The plan is subject to review and approval by the county health department. During its review, the county health department shall *contact state and local health and medical stakeholder when necessary. ensure that the following agencies, at a minimum, are given the opportunity to review the plan:*

- ~~1. The local emergency management agency.~~
- ~~2. The Agency for Health Care Administration.~~
- ~~3. The local chapter of the American Red Cross or other lead sheltering agency.~~
- ~~4. The district office of the Department of Children and Family Services.~~

The county health department shall complete its review *to ensure that the plan is in accordance with the criteria in the Agency for Health Care Administration rules within 90 60 days after receipt of the plan and shall either approve the plan or advise the home health agency of necessary revisions. If the home health agency fails to submit a plan or fails to submit the requested information or revisions to the county health department within 30 days after written notification from the county health department, the county health department shall notify the Agency for Health Care Administration. The agency shall notify the home health agency that its failure constitutes a deficiency, subject to a fine of \$5,000 per occurrence. If the plan is not submitted, information is not provided, or revisions are not made as requested, the agency may impose the fine.*

(d) For any home health agency that operates in more than one county, the Department of Health shall review the plan, after consulting with *state and local health and medical stakeholders when necessary all of the county health departments, the agency, and all the local chapters of the American Red Cross or other lead sheltering agencies in the areas of operation for that particular home health agency.* The department of Health shall complete its review within 90 days after receipt of the plan and shall either approve the plan or advise the home health agency of necessary revisions. The department of Health shall make every effort to avoid imposing differing requirements on a home health agency that operates in more than one county as a result of differing or conflicting comprehensive plan requirements of the ~~based on differences between counties in which on~~ the home health agency operates.

(e) The requirements in this subsection do not apply to:

1. A facility that is certified under chapter 651 and has a licensed home health agency used exclusively by residents of the facility; or
2. A retirement community that consists of residential units for independent living and either a licensed nursing home or an assisted

living facility, and has a licensed home health agency used exclusively by the residents of the retirement community, provided the comprehensive emergency management plan for the facility or retirement community provides for continuous care of all residents with special needs during an emergency.

Section 23. Effective July 1, 2006, subsection (16) of section 400.506, Florida Statutes, is amended to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(16) Each nurse registry shall prepare and maintain a comprehensive emergency management plan that is consistent with the criteria in this subsection and with the local special needs plan. The plan shall be updated annually. *The plan shall include the means by which the nurse registry will continue to provide the same type and quantity of services to its patients who evacuate to special needs shelters which were being provided to those patients prior to evacuation.* The plan shall specify how the nurse registry shall facilitate the provision of continuous care by persons referred for contract to persons who are registered pursuant to s. 252.355 during an emergency that interrupts the provision of care or services in private residences. *Nurse registries may establish links to local emergency operations centers to determine a mechanism by which to approach specific areas within a disaster area in order for a provider to reach its clients. Nurse registries shall demonstrate a good-faith effort to comply with the requirements of this subsection by documenting attempts of staff to follow procedures outlined in the nurse registry's comprehensive emergency management plan which support a finding that the provision of continuing care has been attempted for patients identified as needing care by the nurse registry and registered under s. 252.355 in the event of an emergency under s. 400.506(1).*

(a) All persons referred for contract who care for persons registered pursuant to s. 252.355 must include in the patient record a description of how care will be continued during a disaster or emergency that interrupts the provision of care in the patient's home. It shall be the responsibility of the person referred for contract to ensure that continuous care is provided.

(b) Each nurse registry shall maintain a current prioritized list of patients in private residences who are registered pursuant to s. 252.355 and are under the care of persons referred for contract and who need continued services during an emergency. This list shall indicate, for each patient, if the client is to be transported to a special needs shelter and if the patient is receiving skilled nursing services. Nurse registries shall make this list available to county health departments and to local emergency management agencies upon request.

(c) Each person referred for contract who is caring for a patient who is registered pursuant to s. 252.355 shall provide a list of the patient's medication and equipment needs to the nurse registry. Each person referred for contract shall make this information available to county health departments and to local emergency management agencies upon request.

(d) Each person referred for contract shall not be required to continue to provide care to patients in emergency situations that are beyond the person's control and that make it impossible to provide services, such as when roads are impassable or when patients do not go to the location specified in their patient records.

(e) The comprehensive emergency management plan required by this subsection is subject to review and approval by the county health department. During its review, the county health department shall *contact state and local health and medical stakeholders when necessary ensure that, at a minimum, the local emergency management agency, the Agency for Health Care Administration, and the local chapter of the American Red Cross or other lead sheltering agency are given the opportunity to review the plan.* The county health department shall complete its review *to ensure that the plan complies with the criteria in the Agency for Health Care Administration rules within 90 60 days after receipt of the plan and shall either approve the plan or advise the nurse registry of necessary revisions. If a nurse registry fails to submit a plan or fails to submit requested information or revisions to the county health department within 30 days after written notification from the county health department, the county health department shall notify the Agency for Health Care Administration. The agency shall notify the nurse registry that its failure constitutes a deficiency, subject to a fine of \$5,000 per*

occurrence. If the plan is not submitted, information is not provided, or revisions are not made as requested, the agency may impose the fine.

(f) The Agency for Health Care Administration shall adopt rules establishing minimum criteria for the comprehensive emergency management plan and plan updates required by this subsection, with the concurrence of the Department of Health and in consultation with the Department of Community Affairs.

Section 24. Effective July 1, 2006, subsection (1) of section 400.610, Florida Statutes, is amended to read:

400.610 Administration and management of a hospice.—

(1) A hospice shall have a clearly defined organized governing body, consisting of a minimum of seven persons who are representative of the general population of the community served. The governing body shall have autonomous authority and responsibility for the operation of the hospice and shall meet at least quarterly. The governing body shall:

(a) Adopt an annual plan for the operation of the hospice, which shall include a plan for providing for uncompensated care and philanthropic community activities.

(b)1. Prepare and maintain a comprehensive emergency management plan that provides for continuing hospice services in the event of an emergency that is consistent with local special needs plans. The plan shall include provisions for ensuring continuing care to hospice patients who go to special needs shelters. *The plan shall include the means by which the hospice provider will continue to provide staff to provide the same type and quantity of services to their patients who evacuate to special needs shelters which were being provided to those patients prior to evacuation.* The plan is subject to review and approval by the county health department, except as provided in subparagraph 2. During its review, the county health department shall ~~contact state and local health and medical stakeholders when necessary ensure that the department, the agency, and the local chapter of the American Red Cross or other lead sheltering agency have an opportunity to review and comment on the plan.~~ The county health department shall complete its review to ensure that the plan complies with criteria in rules of the Department of Elderly Affairs within 90 ~~60~~ days after receipt of the plan and shall either approve the plan or advise the hospice of necessary revisions. *Hospice providers may establish links to local emergency operations centers to determine a mechanism by which to approach specific areas within a disaster area in order for the provider to reach its clients. A hospice shall demonstrate a good-faith effort to comply with the requirements of this paragraph by documenting attempts of staff to follow procedures as outlined in the hospice's comprehensive emergency management plan and to provide continuing care for those hospice clients who have been identified as needing alternative caregiver services in the event of an emergency.*

2. For any hospice that operates in more than one county, the Department of Health *during its review shall contact state and local health and medical stakeholders when necessary review the plan, after consulting with all of the county health departments, the agency, and all the local chapters of the American Red Cross or other lead sheltering agency in the areas of operation for that particular hospice.* The Department of Health shall complete its review to ensure that the plan complies with criteria in rules of the Department of Elderly Affairs within 90 days after receipt of the plan and shall either approve the plan or advise the hospice of necessary revisions. The Department of Health shall make every effort to avoid imposing ~~on the hospice~~ differing requirements on a hospice that operates in more than one county as a result of differing or conflicting comprehensive plan requirements of the ~~based on differences between~~ counties in which the hospice operates.

(c) Adopt an annual budget.

(d) Appoint a director who shall be responsible for the day-to-day management and operation of the hospice and who shall serve as the liaison between the governing body and the hospice staff.

(e) Undertake such additional activities as necessary to ensure that the hospice is complying with the requirements for hospice services as set forth in this part.

Section 25. Effective July 1, 2006, present subsections (13) through (16) of section 400.925, Florida Statutes, are redesignated as subsections

(14) through (17) respectively, and a new subsection (13) is added to that section, to read:

400.925 Definitions.—As used in this part, the term:

(13) *"Life-supporting or life-sustaining equipment" means a device that is essential to, or that yields information that is essential to, the restoration or continuation of a bodily function important to the continuation of human life. Life-supporting or life-sustaining equipment includes apnea monitors, enteral feeding pumps, infusion pumps, portable home dialysis equipment, and ventilator equipment and supplies for all related equipment, including oxygen equipment and related respiratory equipment.*

Section 26. Effective July 1, 2006, subsections (20), (21), and (22) are added to section 400.934, Florida Statutes, to read:

400.934 Minimum standards.—As a requirement of licensure, home medical equipment providers shall:

(20)(a) *Prepare and maintain a comprehensive emergency management plan that meets minimum criteria established by agency rule under s. 400.935. The plan shall be updated annually and shall provide for continuing home medical equipment services for life-supporting or life-sustaining equipment, as defined in s. 400.925, during an emergency that interrupts home medical equipment services in a patient's home. The plan shall include:*

1. *The means by which the home medical equipment provider will continue to provide equipment to perform the same type and quantity of services to its patients who evacuate to special needs shelters which were being provided to those patients prior to evacuation.*

2. *The means by which the home medical equipment provider establishes and maintains an effective response to emergencies and disasters, including plans for:*

a. *Notification of staff when emergency response measures are initiated.*

b. *Communication between staff members, county health departments, and local emergency management agencies, which includes provisions for a backup communications system.*

c. *Identification of resources necessary to continue essential care or services or referrals to other organizations subject to written agreement.*

d. *Contacting and prioritizing patients in need of continued medical equipment services and supplies.*

(b) *The plan is subject to review and approval by the county health department. During its review, the county health department shall contact state and local health and medical stakeholders when necessary. The county health department shall complete its review to ensure that the plan is in accordance with the criteria in the Agency for Health Care Administration rules within 90 days after receipt of the plan. If a home medical equipment provider fails to submit a plan or fails to submit requested information or revisions to the county health department within 30 days after written notification from the county health department, the county health department shall notify the Agency for Health Care Administration. The agency shall notify the home medical equipment provider that such failure constitutes a deficiency, subject to a fine of \$5,000 per occurrence. If the plan is not submitted, information is not provided, or revisions are not made as requested, the agency may impose the fine.*

(21) *Each home medical equipment provider shall maintain a current prioritized list of patients who need continued services during an emergency. The list shall indicate the means by which services shall be continued for each patient in the event of an emergency or disaster, whether the patient is to be transported to a special needs shelter, and whether the patient has life-supporting or life-sustaining equipment, including the specific type of equipment and related supplies. The list shall be furnished to county health departments and local emergency management agencies upon request.*

(22) *Home medical equipment providers may establish links to local emergency operations centers to determine a mechanism by which to approach specific areas within a disaster area in order for the provider to reach its patients.*

Section 27. Effective July 1, 2006, subsection (11) is added to section 400.935, Florida Statutes, to read:

400.935 Rules establishing minimum standards.—The agency shall adopt, publish, and enforce rules to implement this part, which must provide reasonable and fair minimum standards relating to:

(11) *Preparation of the comprehensive emergency management plan under s. 400.934 and the establishment of minimum criteria for the plan, including the maintenance of patient equipment and supply lists that can accompany patients who are transported from their homes. Such rules shall be formulated in consultation with the Department of Health and the Department of Community Affairs.*

Section 28. Effective July 1, 2006, section 408.831, Florida Statutes, is amended to read:

408.831 Denial, suspension, or revocation of a license, registration, certificate, or application.—

(1) In addition to any other remedies provided by law, the agency may deny each application or suspend or revoke each license, registration, or certificate of entities regulated or licensed by it:

(a) If the applicant, licensee, registrant, or certificateholder, or, in the case of a corporation, partnership, or other business entity, if any officer, director, agent, or managing employee of that business entity or any affiliated person, partner, or shareholder having an ownership interest equal to 5 percent or greater in that business entity, has failed to pay all outstanding fines, liens, or overpayments assessed by final order of the agency or final order of the Centers for Medicare and Medicaid Services, not subject to further appeal, unless a repayment plan is approved by the agency; or

(b) For failure to comply with any repayment plan.

(2) In reviewing any application requesting a change of ownership or change of the licensee, registrant, or certificateholder, the transferor shall, prior to agency approval of the change, repay or make arrangements to repay any amounts owed to the agency. Should the transferor fail to repay or make arrangements to repay the amounts owed to the agency, the issuance of a license, registration, or certificate to the transferee shall be delayed until repayment or until arrangements for repayment are made.

(3) *An entity subject to this section may exceed its licensed capacity to act as a receiving facility in accordance with an emergency operations plan for clients of evacuating providers from a geographic area where an evacuation order has been issued by a local authority having jurisdiction. While in an overcapacity status, each provider must furnish or arrange for appropriate care and services to all clients. In addition, the agency may approve requests for overcapacity beyond 15 days, which approvals may be based upon satisfactory justification and need as provided by the receiving and sending facilities.*

(4)(a) *An inactive license may be issued to a licensee subject to this section when the provider is located in a geographic area where a state of emergency was declared by the Governor if the provider:*

1. *Suffered damage to its operation during that state of emergency.*
2. *Is currently licensed.*
3. *Does not have a provisional license.*
4. *Will be temporarily unable to provide services but is reasonably expected to resume services within 12 months.*

(b) *An inactive license may be issued for a period not to exceed 12 months but may be renewed by the agency for up to 12 additional months upon demonstration to the agency of progress toward reopening. A request by a licensee for an inactive license or to extend the previously approved inactive period must be submitted in writing to the agency, accompanied by written justification for the inactive license, which states the beginning and ending dates of inactivity and includes a plan for the transfer of any clients to other providers and appropriate licensure fees. Upon agency approval, the licensee shall notify clients of any necessary discharge or transfer as required by authorizing statutes or applicable rules. The beginning of the inactive licensure period shall be the date the*

provider ceases operations. The end of the inactive period shall become the licensee expiration date, and all licensure fees must be current, paid in full, and may be prorated. Reactivation of an inactive license requires the prior approval by the agency of a renewal application, including payment of licensure fees and agency inspections indicating compliance with all requirements of this part and applicable rules and statutes.

(5)(9) This section provides standards of enforcement applicable to all entities licensed or regulated by the Agency for Health Care Administration. This section controls over any conflicting provisions of chapters 39, 381, 383, 390, 391, 393, 394, 395, 400, 408, 468, 483, and 641 or rules adopted pursuant to those chapters.

Section 29. *Emergency preparedness-prescription medication refills.—All health insurers, managed care organizations, and other entities that are licensed by the Office of Insurance Regulation and provide prescription medication coverage as part of a policy or contract shall waive time restrictions on prescription medication refills, which includes suspension of electronic “refill too soon” edits to pharmacies, to enable insureds or subscribers to refill prescriptions in advance, if there are authorized refills remaining, and shall authorize payment to pharmacies for at least a thirty day supply of any prescription medication, regardless of the date upon which the prescription had most recently been filled by a pharmacist, when the following conditions occur:*

(1) *The person seeking the prescription medication refill resides in a county that:*

(a) *Is under a hurricane warning issued by the National Weather Service;*

(b) *Is declared to be under a state of emergency in an executive order issued by the Governor; or*

(c) *Has activated its emergency operations center and its emergency management plan.*

(2) *The prescription medication refill is requested within 30 days after the origination date of the conditions stated in this section or until such conditions are terminated by the issuing authority or no longer exists. The time period for the waiver of prescription medication refills may be extended in 15- or 30-day increments by emergency orders issued by the Office of Insurance Regulation.*

This section does not excuse or exempt an insured or subscriber from compliance with all other terms of the policy or contract providing prescription medication coverage. This section takes effect July 1, 2006.

Section 30. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to emergency management; providing legislative findings with respect to the need for improvements in the state's infrastructure in response to the hurricane seasons of 2004 and 2005; providing for the Legislature to make funds available to local and state agencies through appropriations to the Department of Community Affairs; requiring the department to establish a statewide grant application process; providing criteria for an appropriation to fund the construction or renovation of county emergency operations centers and designated alternate state emergency operations centers; providing limitations on the use of such funds; requiring that the release of funds be approved by the Legislative Budget Commission; providing criteria for an appropriation to fund equipping public special-needs hurricane evacuation shelters with the permanent capacity to generate emergency power; providing criteria for an appropriation for retrofitting public hurricane evacuation shelters; requiring that the release of funds be approved by the Legislative Budget Commission; providing for funds to be appropriated to improve the logistical staging and warehouse capacity of commodities used following a disaster; providing for funds to be appropriated for the purpose of hurricane evacuation planning; providing appropriations; directing the Division of Emergency Management to conduct a feasibility study relating to the supply and distribution of essential commodities by nongovernment and private entities; creating s. 526.143, F.S.; providing that each motor fuel terminal facility and wholesaler that sells motor fuel in the state must be capable of operating its distribution loading racks using an alternate power source for a specified period by a certain

date; providing requirements with respect to the operation of such equipment following a major disaster; providing requirements with respect to inspection of such equipment; requiring newly constructed or substantially renovated motor fuel retail outlets to be capable of operation using an alternate power source; defining "substantially renovated"; requiring certain motor fuel retail outlets located within a specified distance from an interstate highway or state or federally designated evacuation route to be capable of operation using an alternate power source by a specified date; providing inspection and recordkeeping requirements; providing applicability; creating s. 526.144, F.S.; creating the Florida Disaster Motor Fuel Supplier Program within the Department of Community Affairs; providing requirements for participation in the program; providing that participation in the program shall be at the option of each county; providing for administration of the program; providing requirements of businesses certified as State Emergency Response Team members; providing for preemption to the state of the regulation of and requirements for siting and placement of an alternate power source and any related equipment at motor fuel terminal facilities, wholesalers, and retail sales outlets; providing for preemption to the state of the regulation of certain retail establishments; providing for review of the program; providing a report; amending s. 501.160, F.S., providing limiting price gouge prohibition periods; providing prohibition period renewal; amending s. 553.509, F.S., relating to requirements with respect to vertical accessibility under part II of ch. 553, F.S., the "Florida Americans With Disabilities Accessibility Implementation Act"; requiring specified existing and newly constructed residential multifamily dwellings to have at least one public elevator that is capable of operating on an alternate power source for emergency purposes; providing requirements with respect to the alternate power source; providing for verification of compliance by specified dates; providing requirements with respect to emergency operations plans and inspection records; requiring any person, firm, or corporation that owns, manages or operates specified multi-story affordable residential dwellings to attempt to obtain grant funding to comply with the act; requiring an owner, manager or operator of such a dwelling to develop an evacuation plan in the absence of compliance with the act; providing additional inspection requirements under ch. 399, F.S., the "Elevator Safety Act"; amending s. 252.35, F.S.; expanding the duty of the Division of Emergency Management to conduct a public educational campaign on emergency preparedness issues; expanding the duty of the Division of Emergency Management to create and maintain lists of emergency generators; providing an additional duty of the division with respect to educational outreach concerning disaster preparedness; providing an appropriation to the Department of Community Affairs to conduct a feasibility study; providing severability; amending s. 252.355, F.S.; specifying additional entities and agencies that are required to provide registration information to persons with disabilities or special needs for purposes of inclusion within the registry of persons with special needs maintained by local emergency management agencies; providing that the Department of Community Affairs is the designated lead agency responsible for community education and outreach to the general public, including persons with special needs, regarding registration as a person with special needs, special needs shelters, and general information regarding shelter stays; providing that special needs shelters must allow persons with special needs to bring service animals into special needs shelters; revising provisions with respect to the required notification of residential utility customers of the availability of the special needs registration program; providing that specified confidential and exempt information relating to the roster of persons with special needs in special needs shelters be provided to local law enforcement; creating s. 252.3568, F.S.; requiring the Division of Emergency Management to address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan; creating s. 252.357, F.S.; requiring the Florida Comprehensive Emergency Management Plan to permit the Agency for Health Care Administration to make initial contact with each nursing home and assisted living facility in a disaster area; requiring the agency to annually publish an emergency telephone number that may be used by nursing homes and assisted living facilities to contact the agency; amending s. 252.385, F.S., relating to public shelter space; requiring the Division of Emergency Management of the Department of Community Affairs to biennially prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval; providing plan requirements; requiring the Department of Health to provide specified assistance to the division; revising the list of those facilities that are excluded as being suitable for use as public hurricane evacuation shelters; requiring local emergency management agencies to coordinate with public facilities to determine readiness prior to activation; amending s. 381.0303, F.S.; providing for the operation of special needs shelters;

providing that local Children's Medical Services offices shall assume lead responsibility for specified coordination with respect to the development of a plan for the staffing and medical management of pediatric special needs shelters; requiring that such plans conform to the local comprehensive emergency management plan; requiring county governments to assist the Department of Health with nonmedical staffing and operation of special needs shelters; requiring county health departments and emergency management agencies to coordinate such efforts to ensure appropriate staffing; providing that the appropriate county health department, Children's Medical Services office, and local emergency management agency shall jointly determine the responsibility for medical supervision in a special needs shelter; providing notification requirements; requiring the emergency management agency and the local health department to coordinate efforts to ensure appropriate designation, operation, and closure of special needs shelters; requiring the Secretary of Elderly Affairs to convene multiagency special needs shelter discharge planning teams to assist local areas that are severely impacted by a natural or manmade disaster that requires the use of special needs shelters; providing duties and responsibilities of such discharge planning teams; providing for the inclusion of specified state agency representatives on each discharge planning team; revising provisions relating to reimbursement of health care practitioners; providing for eligibility of specified health care facilities for reimbursement when a multiagency special needs shelter discharge planning team discharges persons with special needs to such receiving facilities; providing procedures and requirements with respect to such reimbursement; requiring the department to specify by rule expenses that are reimbursable and the rate of reimbursement for services; revising provisions that prescribe means of and procedures for reimbursement; disallowing specified reimbursements; revising provisions with respect to the organization, role, duties, and composition of the special needs shelter interagency committee; requiring the department to adopt specified rules with respect to special needs shelters; amending ss. 400.492, 400.497, 400.506, 400.610, and 400.934, F.S.; revising requirements with respect to the comprehensive emergency management plans of home health agencies, nurse registries, and hospices, and providing requirements with respect to home medical equipment providers, to include the means by which continuing services will be provided to patients who evacuate to special needs shelters; authorizing the establishment of links to local emergency operations centers for specified purposes; revising requirements of a county health department with respect to review of a comprehensive emergency management plan submitted by a home health agency, nurse registry, or hospice; providing requirements upon failure to submit a plan or requested information to the department; providing for imposition of a fine; revising requirements of the Department of Health with respect to review of the plan of a home health agency or hospice that operates in more than one county; providing that the preparation and maintenance of a comprehensive emergency management plan by a home medical equipment provider is a requirement for licensure and must meet minimum criteria established by the Agency for Health Care Administration; providing plan requirements; providing that the plan is subject to review and approval by the county health department; requiring each home medical equipment provider to maintain a current prioritized list of patients who need continued services during an emergency; amending s. 400.925, F.S.; defining "life-supporting or life-sustaining equipment" for purposes of part X of ch. 400, F.S., relating to home medical equipment providers; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to adopt rules with respect to the comprehensive emergency management plan prepared by a home medical equipment services provider; amending s. 408.831, F.S.; providing that entities regulated or licensed by the Agency for Health Care Administration may exceed their licensed capacity to act as receiving facilities under specified circumstances; providing requirements while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; providing fees; requiring certain health insurance companies to waive restrictions on filling prescriptions during a declared State of Emergency; providing effective dates.

MOTION

On motion by Senator Diaz de la Portilla, the rules were waived to allow the following amendments to be considered:

Senator Diaz de la Portilla moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (451950)—On page 17, line 25, after “state” insert: *and until such standards are adopted, the regulation of these retail establishments is preempted to the state*

Amendment 1B (261682)—On page 20, line 17, delete “(4)(a)” and insert: (2)(a)

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 7121** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB’s 528, 530 and 858, CS for CS for SB 860, CS for CS for CS for CS for CS for SB 1058 and CS for CS for SB 282** was deferred.

On motion by Senator Bennett—

CS for CS for SB 1632—A bill to be entitled An act relating to agency inspectors general; creating s. 14.325, F.S.; providing definitions; providing legislative intent; creating the Council on State Agency Inspectors General; providing for the purpose and membership of the council; providing duties and responsibilities of the council; requiring the council to hold meetings at least monthly; authorizing the council to develop recommendations relating to inspector general investigations; providing minimum requirements for the recommendations developed by the council; providing administrative support for the council; requiring the council to issue a report on its findings; providing for repeal; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1632** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden, by two-thirds vote **HB 7027** was withdrawn from the Committees on Health Care; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Peaden—

HB 7027—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding long-term care facilities; amending s. 400.119, F.S., which provides exemptions from public records requirements for specified reports and notifications with respect to long-term care facilities licensed under pt. II or pt. III of ch. 400, F.S., and which provides an exemption from public meeting requirements for the meetings of an internal risk management and quality assurance committee of a long-term care facility and an exemption from public records requirements for the records of such meetings; reorganizing provisions and making editorial changes; removing the scheduled repeal of the exemptions under the Open Government Sunset Review Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 510** and read the second time by title.

Pursuant to Rule 4.19, **HB 7027** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1062** was deferred.

On motion by Senator Fasano—

CS for CS for CS for CS for SB 544—A bill to be entitled An act relating to the Department of Law Enforcement; amending s. 790.065, F.S.; requiring the department to review any records available in addition to criminal history records to evaluate a potential buyer or transferee of a firearm, including an adjudication of mental defectiveness or a commitment to a mental institution as criteria that prohibit a person from purchasing a firearm; providing definitions; requiring the department to maintain an automated database of persons who are prohibited

from purchasing a firearm; requiring each clerk of court to submit certain court records to the department within a certain period; requiring the department to delete certain records from the automated database upon the request of an individual meeting specified conditions; authorizing the department to disclose collected data to other federal or state agencies with regard to the sale or transfer of a firearm; authorizing the department to disclose certain information to the Department of Agriculture and Consumer Services for determining the eligibility of an applicant for a concealed weapons or concealed firearms license; requiring the clerk of court or mental hospital to provide additional information upon request following an appeal of an unapproved sale or transfer of a firearm; amending s. 914.25, F.S.; providing for recertification for protective services for an additional period, with reimbursement for expenses from the Victim and Witness Protection Review Committee; providing for unlimited protective services for a victim or witness without reimbursement; amending s. 932.7055, F.S.; deleting a requirement that every law enforcement agency submit semiannual reports to the department regarding seized or forfeited property; deleting a requirement that the department submit an annual report to the criminal justice committees of the Legislature; amending s. 937.021, F.S.; providing immunity to the department, other law enforcement agencies, media representatives, and dealers of communications services from civil liability for complying in good faith with a request to record or report information of an Amber Alert or Missing Child Alert; providing that a technical or clerical error or incorrect or incomplete information does not overcome the presumption of good faith in reporting information about an Amber Alert or Missing Child Alert; providing that it is a discretionary decision of a law enforcement agency or its employees to report, record, or display Amber Alert or Missing Child Alert information; amending s. 938.07, F.S.; requiring that a portion of certain court costs imposed for a conviction of driving or boating under the influence be deposited into the department’s Operating Trust Fund instead of the Criminal Justice Standards and Training Trust Fund; amending s. 938.27, F.S.; requiring that investigative costs recovered on behalf of the department be deposited into the Forfeiture and Investigative Trust Fund; amending s. 943.05, F.S.; authorizing the department to retain fingerprints in certain circumstances and use retained fingerprints for certain purposes; amending s. 943.052, F.S.; requiring that disposition reports for dispositions relating to minor offenders are mandatory after a specified date; amending s. 68.07, F.S.; requiring a set of fingerprints as part of a name-change petition; amending s. 943.053, F.S.; requiring the department to make certain information available to judges; limiting the use of information; authorizing a criminal justice agency to obtain a criminal history background check of a noncertified agency employee by submitting fingerprints to the department; requiring that a criminal history check be provided by the department in certain circumstances; amending s. 943.0585, F.S.; prohibiting a court from expunging a criminal history record containing certain sexual offenses or certain offenses that require registration as a sexual offender; requiring a valid certificate of eligibility for expunction in a petition to expunge a criminal history record; specifying the time during which a certificate of eligibility for expunction is valid; requiring that a trial must not have occurred in order for a person to obtain a statement from the state attorney authorizing the expunction of a criminal record; authorizing a person who has secured a prior sealing or expunction of a criminal history record to seek a certificate of eligibility for expunction if the criminal history record was previously sealed for a specified time and is otherwise eligible for expunction; providing that a person who is seeking authorization for employment or access to a seaport may not deny or fail to acknowledge an arrest covered by an expunged record; providing that the department may acknowledge an expunged criminal history record under certain circumstances; amending s. 943.059, F.S.; enumerating certain sexual offenses and offenses that require registration as a sexual offender which may not be sealed; requiring a valid certificate of eligibility for sealing in a petition to seal a criminal history record; specifying the period during which a certificate of eligibility for sealing is valid; providing that information in a sealed criminal record is available to a criminal justice agency to conduct a criminal history background check for approval of a firearms purchase or transfer; prohibiting a person from denying arrests covered by his or her sealed criminal record when attempting to purchase a firearm; providing that a person who is seeking authorization for employment or access to a seaport may not deny or fail to acknowledge an arrest covered by a sealed record; providing that the department may acknowledge a sealed criminal history record under certain circumstances; amending s. 943.13, F.S.; requiring the department to enter the fingerprints of law enforcement or correctional officers into a statewide automated fingerprint identification system; requiring the department to search each arrest fingerprint card received against

fingerprints retained in the statewide automated fingerprint identification system; providing for refingerprinting by a certain date; amending ss. 943.1715 and 943.1716, F.S.; deleting the minimum number of hours required for basic skills training and continued employment training relating to diverse populations for law enforcement officers; repealing s. 943.2569, F.S., relating to an annual financial audit of criminal justice selection centers; amending s. 943.257, F.S.; authorizing the Criminal Justice Standards and Training Commission and the advisory board of a criminal justice selection center to inspect and copy any documents from a center in order to conduct oversight responsibilities, including documents pertaining to any internal or independent audits; amending s. 943.401, F.S.; requiring the department to investigate all public assistance that is provided by the state; requiring public assistance recipients to consent in writing to an investigation into their employment and financial histories by the Agency for Workforce Innovation; requiring the department to report the results of the investigations to the Agency for Workforce Innovation; authorizing the department to purchase goodwill and promotional materials; limiting the annual amount of such expenditures; prohibiting the unauthorized use of the department's emblems and names; providing a penalty; providing effective dates.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for CS for CS for SB 544** to **HB 151**.

Pending further consideration of **CS for CS for CS for CS for SB 544** as amended, on motion by Senator Fasano, by two-thirds vote **HB 151** was withdrawn from the Committees on Criminal Justice; Judiciary; Governmental Oversight and Productivity; and Justice Appropriations.

On motion by Senator Fasano—

HB 151—A bill to be entitled An act relating to law enforcement; amending s. 790.065, F.S.; requiring the Department of Law Enforcement to review any records available to evaluate a potential buyer or transferee of a firearm, including an adjudication of mental defectiveness or a commitment to a mental institution as criteria that prohibit a person from purchasing a firearm; providing definitions; requiring the department to maintain an automated database of persons who are prohibited from purchasing a firearm; requiring each clerk of court to submit certain court records to the department within a certain period; requiring the department to delete certain records from the automated database upon the request of an individual meeting specified conditions; authorizing the department to disclose collected data to other federal or state agencies with regard to the sale or transfer of a firearm; authorizing the department to disclose certain information to the Department of Agriculture and Consumer Services for determining the eligibility of an applicant for a concealed weapons or concealed firearms license; requiring the clerk of court or mental hospital to provide additional information upon request following an appeal of an unapproved sale or transfer of a firearm; amending s. 914.25, F.S.; providing for recertification for protective services for an additional period, with reimbursement for expenses from the Victim and Witness Protection Review Committee; providing for unlimited protective services for a victim or witness without reimbursement; amending s. 937.021, F.S.; providing immunity to the Department of Law Enforcement, other law enforcement agencies, media representatives, and dealers of communications services from civil liability for complying in good faith with a request to record or report information of an Amber Alert or Missing Child Alert; providing that a technical or clerical error or incorrect or incomplete information does not overcome the presumption of good faith in reporting information about an Amber Alert or Missing Child Alert; providing that it is a discretionary decision to report, record, or display Amber Alert or Missing Child Alert information received from the local law enforcement agency having jurisdiction; amending s. 938.07, F.S.; requiring that a portion of certain court costs imposed for a conviction of driving or boating under the influence be deposited into the Operating Trust Fund of the Department of Law Enforcement instead of the Criminal Justice Standards and Training Trust Fund; amending s. 938.27, F.S.; requiring that investigative costs recovered on behalf of the Department of Law Enforcement be deposited into the department's Forfeiture and Investigative Trust Fund; amending s. 943.052, F.S.; requiring that disposition reports for dispositions relating to minor offenders are mandatory after a specified date; amending s. 68.07, F.S.; requiring a set of fingerprints as part of a name change petition; amending s. 943.05, F.S.; authorizing the Department of Law Enforcement to retain fingerprints in certain circumstances and use retained fingerprints for certain purposes; providing for an annual fee; providing for waiver of the fee for good cause

shown; providing for free services for certain purposes; amending s. 943.053, F.S.; requiring the department to make certain information available to judges; limiting use of information; authorizing a criminal justice agency to obtain a criminal history background check of a noncertified agency employee by submitting fingerprints to the department; requiring that the criminal history check be provided by the department in certain circumstances; amending s. 943.0585, F.S.; prohibiting a court from expunging a criminal history record containing certain sexual offenses or certain offenses that require registration as a sexual offender; requiring a valid certificate of eligibility for expunction in a petition to expunge a criminal history record; specifying the time during which a certificate of eligibility for expunction is valid; requiring that a trial may not have occurred in order for a person to obtain a statement from the state attorney authorizing the expunction of a criminal record; authorizing a person who has secured a prior sealing of a criminal history record to seek a certificate of eligibility for expunction if the criminal history record was previously sealed for a certain number of years and is otherwise eligible for expunction; providing that a person who is seeking authorization for employment within or access to a seaport may not deny or fail to acknowledge arrests covered by expunged records; providing that the department may acknowledge expunged criminal history records under certain circumstances; prohibiting seaport employees from disclosing expunged criminal history record information except to certain persons; providing penalties; amending s. 943.059, F.S.; enumerating certain sexual offenses and offenses that require registration as a sexual offender which may not be sealed; requiring a valid certificate of eligibility for sealing in a petition to seal a criminal history record; specifying the period during which a certificate of eligibility for sealing is valid; providing that the information contained in a sealed criminal record is available to a criminal justice agency for the purpose of conducting a criminal history background check for approval of a firearms purchase or transfer; prohibiting a person from denying arrests covered by his or her sealed criminal record when attempting to purchase a firearm; providing that a person who is seeking authorization for employment within or access to a seaport may not deny or fail to acknowledge arrests covered by sealed records; providing that the department may acknowledge sealed criminal history records under certain circumstances; prohibiting seaport employees from disclosing sealed criminal history record information except to certain persons; providing penalties; amending s. 943.13, F.S.; requiring the department to enter law enforcement, correctional, and correctional probation officers' fingerprints into a statewide automated fingerprint identification system; requiring the department to search each arrest fingerprint card received against fingerprints retained in the statewide automated fingerprint identification system; providing for refingerprinting by a certain date; amending ss. 943.1715 and 943.1716, F.S.; deleting the minimum number of hours required for basic skills training and continued employment training relating to diverse populations for law enforcement, correctional, and correctional probation officers; repealing s. 943.2569, F.S., relating to an annual financial audit of criminal justice selection centers; amending s. 943.257, F.S.; authorizing the Criminal Justice Standards and Training Commission and the advisory board of a criminal justice selection center to inspect and copy any documents from a center in order to carry out oversight responsibilities, including documents pertaining to any internal or independent audits; amending s. 943.401, F.S.; requiring the department to investigate all public assistance that is provided by the state; requiring public assistance recipients to consent in writing to an investigation into their employment and financial histories by the Agency for Workforce Innovation; requiring the department to report the results of the investigations to the Agency for Workforce Innovation; authorizing the department to purchase goodwill and promotional materials; limiting the annual amount of such expenditures; prohibiting the unauthorized use of the department's emblems and names; providing a penalty; amending s. 932.7055, F.S.; deleting certain reporting requirements; repealing s. 932.707, F.S., relating to penalty for noncompliance with reporting requirements; providing effective dates.

—a companion measure, was substituted for **CS for CS for CS for CS for SB 544** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 151** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SJR 626—A joint resolution proposing an amendment to Section 6 of Article X of the State Constitution, relating to eminent domain.

—was read the second time by title.

An amendment was considered and adopted to conform **SJR 626** to **HJR 1569**.

Pending further consideration of **SJR 626** as amended, on motion by Senator Saunders, by two-thirds vote **HJR 1569** was withdrawn from the Committees on Judiciary; and Community Affairs.

On motion by Senator Saunders, the rules were waived and—

HJR 1569—A joint resolution proposing an amendment to Section 6 of Article X of the State Constitution relating to eminent domain.

—a companion measure, was substituted for **SJR 626** as amended and read the second time by title.

MOTION

On motion by Senator Saunders, the rules were waived to allow the following amendment to be considered:

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (030536)—Delete everything after the resolving clause and insert:

That the following amendment to Section 6 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE X MISCELLANEOUS

SECTION 6. Eminent domain.—

(a) No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.

(b) Provision may be made by law for the taking of easements, by like proceedings, for the drainage of the land of one person over or through the land of another.

(c) *Private property may not be taken and conveyed to a natural person or private entity except as provided by general law passed by a three-fifths vote of the membership of each house of the Legislature.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT ARTICLE X, SECTION 6

EMINENT DOMAIN.—Proposing an amendment to the State Constitution to provide that private property may not be taken through the exercise of eminent domain and conveyed to a natural person or private entity except as provided by general law passed by a three-fifths vote of the membership of each house of the Legislature.

Pursuant to Rule 4.19, **HJR 1569** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 2168—A bill to be entitled An act relating to eminent domain; creating s. 73.013, F.S.; restricting certain transfers of property taken by eminent domain to certain natural persons or private entities; amending s. 73.021, F.S.; clarifying the burden of proof for a petition of condemnation; providing that the prevention of slums and blight does not satisfy the requirement under the State Constitution that a taking be for a public purpose; amending s. 127.01, F.S.; preempting the power of eminent domain to the state except as otherwise delegated by general law or special act; limiting the power of counties to use eminent domain;

requiring consent from certain governmental entities in order to acquire property; providing that the conveyance of property acquired by eminent domain is subject to certain restrictions; enumerating certain authorized uses of eminent domain; prescribing the manner by which a county may exercise its power of eminent domain; amending s. 127.02, F.S.; requiring that a board of county commissioners adopt a resolution in order to acquire a property through the use of eminent domain; amending s. 163.335, F.S.; removing eminent domain from the scope of findings and declarations of necessity under the Community Redevelopment Act; providing that the prevention and elimination of slums and blight does not satisfy the requirement under the State Constitution that a taking be for a public purpose; amending s. 163.340, F.S.; conforming a cross-reference; amending s. 163.345, F.S.; prescribing limitations on the disposition of property related to certain efforts to encourage the participation of private enterprise in community redevelopment; amending s. 163.358, F.S.; clarifying the scope of the power of community redevelopment by a county or municipality and the authority and limitations on delegation to a community redevelopment agency; prohibiting the delegation of the power of eminent domain to a community redevelopment agency; amending s. 163.370, F.S.; clarifying limitations on the exercise of eminent domain in the context of community redevelopment; deleting the authority to delegate the power of eminent domain to a community redevelopment agency; repealing s. 163.375, F.S., relating to the authority of a county, municipality, or community redevelopment agency to exercise the power of eminent domain in connection with community redevelopment for the purpose of preventing and eliminating slums and blight; amending s. 163.380, F.S.; subjecting the disposal of property acquired by eminent domain within a community redevelopment area to certain restrictions; eliminating the authority to use eminent domain to acquire certain areas adjacent to disposed property; amending s. 166.401, F.S.; preempting the power of eminent domain to the state except as otherwise delegated by general law or special act; limiting the power of municipalities to use eminent domain; providing that the conveyance of property acquired by eminent domain is subject to certain restrictions; prescribing the manner for a municipality to exercise the power of eminent domain; requiring that the governing body of a municipality adopt a resolution in order to acquire a property through the use of eminent domain; amending s. 166.411, F.S.; expanding the authority of a municipality to use eminent domain for purposes related to streets, lanes, alleys, and ways; eliminating the authority of a municipality to use eminent domain for the abatement of nuisances; authorizing the use of eminent domain for other uses and purposes of the same or similar type as those specifically enumerated; providing for application of the act to petitions of condemnation filed on or after the effective date of the act, with certain exceptions; providing an effective date.

—was read the second time by title.

Amendments were considered and failed and amendments were considered and adopted to conform **CS for SB 2168** to **HB 1567**.

Pending further consideration of **CS for SB 2168** as amended, on motion by Senator Webster, by two-thirds vote **HB 1567** was withdrawn from the Committees on Judiciary; and Community Affairs.

On motion by Senator Webster, the rules were waived and—

HB 1567—A bill to be entitled An act relating to eminent domain; creating s. 73.013, F.S.; restricting certain transfers of property taken by eminent domain to certain natural persons or private entities; amending s. 163.335, F.S.; providing legislative findings and declarations; amending s. 163.355, F.S.; requiring disclosure of eminent domain information in resolutions finding slum or blight conditions; providing for notice to property owners and business owners or lessees and requirements therefor; providing for hearings and advertising requirements therefor; amending s. 163.358, F.S.; providing that the power of eminent domain does not vest in a community redevelopment agency but rather with the governing body of a county or municipality; amending s. 163.360, F.S.; requiring disclosure of eminent domain authority in community redevelopment plans; amending s. 163.370, F.S.; revising powers of community redevelopment agencies with respect to the acquisition of real property; amending s. 163.375, F.S.; revising eminent domain authority and procedures, including notice, hearings, and challenge; amending ss. 127.01 and 127.02, F.S.; requiring county compliance with eminent domain limitations; amending ss. 166.401 and 166.411, F.S.; requiring municipal compliance with eminent domain limitations; providing application; providing an effective date.

—a companion measure, was substituted for **CS for SB 2168** as amended and read the second time by title.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment which was adopted:

Amendment 1 (243254)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 73.013, Florida Statutes, is created to read:

73.013 Conveyance of property taken by eminent domain; preservation of government entity communications services eminent domain limitation; exception to restrictions on power of eminent domain.—

(1) Notwithstanding any other provision of law, including any charter provision, ordinance, statute, or special law, if the state, any political subdivision as defined in s. 1.01(8), or any other entity to which the power of eminent domain is delegated files a petition of condemnation on or after the effective date of this section regarding a parcel of real property in this state, ownership or control of property acquired pursuant to such petition may not be conveyed by the condemning authority or any other entity to a natural person or private entity, by lease or otherwise, except that ownership or control of property acquired pursuant to such petition may be conveyed, by lease or otherwise, to a natural person or private entity:

(a) For use in providing common-carrier services or systems;

(b)1. For use as a road or other right-of-way or means that is open to the public for transportation, whether at no charge or by toll;

2. For use in the provision of transportation-related services, business opportunities, and products pursuant to s. 338.234, on a toll road;

(c) That is a public or private utility for use in providing electricity services or systems, natural or manufactured gas services or systems, water and wastewater services or systems, stormwater or runoff services or systems, sewer services or systems, pipeline facilities, telephone services or systems, or similar services or systems;

(d) For use in providing public infrastructure;

(e) That occupies, pursuant to a lease, an incidental part of a public property or a public facility for the purpose of providing goods or services to the public;

(f) Without restriction, after public notice and competitive bidding unless otherwise provided by general law, if less than 10 years have elapsed since the condemning authority acquired title to the property and the following conditions are met:

1. The condemning authority or governmental entity holding title to the property documents that the property is no longer needed for the use or purpose for which it was acquired by the condemning authority or for which it was transferred to the current titleholder; and

2. The owner from whom the property was taken by eminent domain is given the opportunity to repurchase the property at the price that he or she received from the condemning authority;

(g) After public notice and competitive bidding unless otherwise provided by general law, if the property was owned and controlled by the condemning authority or a governmental entity for at least 10 years after the condemning authority acquired title to the property; or

(h) In accordance with subsection (2).

(2)(a) If ownership of property is conveyed to a natural person or private entity pursuant to paragraph (1)(a), paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), or paragraph (1)(e), and at least 10 years have elapsed since the condemning authority acquired title to the property, the property may subsequently be transferred, after public notice and competitive bidding unless otherwise provided by general law, to another natural person or private entity without restriction.

(b) If ownership of property is conveyed to a natural person or private entity pursuant to paragraph (1)(a), paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), or paragraph (1)(e), and less than 10 years have elapsed since the condemning authority acquired title to the property, the property may be transferred, after public notice and competitive bidding unless otherwise provided by general law, to another natural person or private entity without restriction, if the following conditions are met:

1. The current titleholder documents that the property is no longer needed for the use or purpose for which the property was transferred to the current titleholder; and

2. The owner from whom the property was taken by eminent domain is given the opportunity to repurchase the property at the price that he or she received from the condemning authority.

(3) This section does not affect the limitation on a government entity's powers of eminent domain contained in s. 350.81(2)(j).

(4) The power of eminent domain shall be restricted as provided in chapters 73, 127, 163, and 166, except when the owner of a property relinquishes the property and concedes to the taking of the property in order to retain the ability to reinvest the proceeds of the sale of the property in replacement property under s. 1033 of the Internal Revenue Code.

Section 2. Section 73.014, Florida Statutes, is created to read:

73.014 Taking property to eliminate nuisance, slum, or blight conditions prohibited.—

(1) Notwithstanding any other provision of law, including any charter provision, ordinance, statute, or special law, the state, any political subdivision as defined in s. 1.01(8), or any other entity to which the power of eminent domain is delegated may not exercise the power of eminent domain to take private property for the purpose of abating or eliminating a public nuisance. Notwithstanding any other provision of law, including any charter provision, ordinance, statute, or special law, abating or eliminating a public nuisance is not a valid public purpose or use for which private property may be taken by eminent domain and does not satisfy the public-purpose requirement of s. 6(a), Art. X of the State Constitution. This subsection does not diminish the power of counties or municipalities to adopt or enforce county or municipal ordinances related to code enforcement or the elimination of public nuisances to the extent such ordinances do not authorize the taking of private property by eminent domain.

(2) Notwithstanding any other provision of law, including any charter provision, ordinance, statute, or special law, the state, any political subdivision as defined in s. 1.01(8), or any other entity to which the power of eminent domain is delegated may not exercise the power of eminent domain to take private property for the purpose of preventing or eliminating slum or blight conditions. Notwithstanding any other provision of law, including any charter provision, ordinance, statute, or special law, taking private property for the purpose of preventing or eliminating slum or blight conditions is not a valid public purpose or use for which private property may be taken by eminent domain and does not satisfy the public-purpose requirement of s. 6(a), Art. X of the State Constitution.

Section 3. Section 73.021, Florida Statutes, is amended to read:

73.021 Petition; contents.—Those having the right to exercise the power of eminent domain may file a petition therefor in the circuit court of the county wherein the property lies, which petition shall set forth:

(1) The authority under which and the public use or purpose for which the property is to be acquired, and that the property is necessary for that public use or purpose;

(2) A description identifying the property sought to be acquired. The petitioners may join in the same action all properties involved in a planned project whether in the same or different ownership, or whether or not the property is sought for the same use;

(3) The estate or interest in the property which the petitioner intends to acquire;

(4) The names, places of residence, legal disabilities, if any, and interests in the property of all owners, lessees, mortgagees, judgment

creditors, and lienholders, so far as ascertainable by diligent search, and all unknown persons having an interest in the property when the petitioner has been unable to ascertain the identity of such persons by diligent search and inquiry. If any interest in the property, or lien thereon, belongs to the unsettled estate of a decedent, the executor or administrator shall be made a defendant without joining the devisee or heir; if a trust estate, the trustee shall be made a defendant without joining the cestui que trust. The court may appoint an administrator ad litem to represent the estate of a deceased person whose estate is not being administered, and a guardian ad litem for all defendants who are infants or are under other legal disabilities; and for defendants whose names or addresses are unknown. A copy of the order of appointment shall be served on the guardian ad litem at least 10 days before trial unless he or she has entered an appearance;

(5) Whether any mobile home is located on the property sought to be acquired and, if so, whether the removal of that mobile home will be required. If such removal shall be required, the petition shall name the owners of each such mobile home as defendants. This subsection shall not apply to any governmental authority exercising its power of eminent domain when reasonable relocation or removal expenses must be paid to mobile home owners under other provisions of law or agency rule applicable to such exercise of power;

(6) A statement that the petitioner has surveyed and located its line or area of construction, and intends in good faith to construct the project on or over the described property; *and*

(7) A demand for relief that the property be condemned and taken for the uses and purposes set forth in the petition, and that the interest sought be vested in the petitioner.

Section 4. Section 127.01, Florida Statutes, is amended to read:

127.01 Counties delegated power of eminent domain; recreational purposes, issue of necessity of taking; *compliance with limitations.*—

(1)(a) Each county of the state is delegated authority to exercise the right and power of eminent domain; that is, the right to appropriate property, except state or federal, for any county purpose. The absolute fee simple title to all property so taken and acquired shall vest in such county unless the county seeks to condemn a particular right or estate in such property.

(b) Each county is further authorized to exercise the eminent domain power granted to the Department of Transportation by s. 337.27(1), the transportation corridor protection provisions of s. 337.273, and the right of entry onto property pursuant to s. 337.274.

(2) However, no county has the right to condemn any lands outside its own county boundaries for parks, playgrounds, recreational centers, or other recreational purposes. In eminent domain proceedings, a county's burden of showing reasonable necessity for parks, playgrounds, recreational centers, or other types of recreational purposes shall be the same as the burden in other types of eminent domain proceedings.

(3) A county shall strictly comply with the limitations set forth in ss. 73.013 and 73.014.

Section 5. Section 127.02, Florida Statutes, is amended to read:

127.02 County commissioners may authorize acquirement of property by eminent domain.—The board of county commissioners may not exercise its power of eminent domain unless the board adopts a resolution authorizing the acquisition; ~~by resolution, authorize the acquirement by eminent domain of a property, real or personal, by eminent domain for any county use or purpose designated in such resolution, subject to the limitations set forth in ss. 73.013 and 73.014.~~

Section 6. Subsection (3) of section 163.335, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

163.335 Findings and declarations of necessity.—

(3) It is further found and declared that the powers conferred by this part are for public uses and purposes for which public money may be expended ~~and the power of eminent domain~~ and police power exercised, and the necessity in the public interest for the provisions herein enacted is ~~hereby~~ declared as a matter of legislative determination.

(7) *It is further found and declared that the prevention or elimination of a slum area or blighted area as defined in this part and the preservation or enhancement of the tax base are not public uses or purposes for which private property may be taken by eminent domain and do not satisfy the public-purpose requirement of s. 6(a), Art. X of the State Constitution.*

Section 7. Subsection (12) of section 163.340, Florida Statutes, is amended to read:

163.340 Definitions.—The following terms, wherever used or referred to in this part, have the following meanings:

(12) "Related activities" means:

(a) Planning work for the preparation of a general neighborhood redevelopment plan or for the preparation or completion of a community-wide plan or program pursuant to s. 163.365.

(b) The functions related to the acquisition and disposal of real property pursuant to s. 163.370(4) ~~s. 163.370(3).~~

(c) The development of affordable housing for residents of the area.

(d) The development of community policing innovations.

Section 8. Subsection (1) of section 163.345, Florida Statutes, is amended to read:

163.345 Encouragement of private enterprise.—

(1) Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising its powers under this part, including the formulation of a workable program; the approval of community redevelopment plans, communitywide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality); the development and implementation of community policing innovations; the exercise of its zoning powers; the enforcement of other laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements; the development of affordable housing; the disposition of any property acquired, *subject to the limitations of s. 73.013; and the provision of necessary public improvements.*

Section 9. Section 163.358, Florida Statutes, is amended to read:

163.358 Exercise of powers in carrying out community redevelopment and related activities.—*Each county and municipality has all powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including those powers granted under s. 163.370. A county or municipality may delegate such powers to a community redevelopment agency created under s. 163.356. The community redevelopment powers assigned to a community redevelopment agency created under s. 163.356 include all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, except the following, which continue to vest in the governing body of the county or municipality:*

(1) The power to determine an area to be a slum or blighted area, or combination thereof; to designate such area as appropriate for community redevelopment; and to hold any public hearings required with respect thereto.

(2) The power to grant final approval to community redevelopment plans and modifications thereof.

(3) The power to authorize the issuance of revenue bonds as set forth in s. 163.385.

(4) The power to approve the acquisition, demolition, removal, or disposal of property as provided in s. 163.370(4) ~~s. 163.370(3)~~ and the power to assume the responsibility to bear loss as provided in s. 163.370(4) ~~s. 163.370(3).~~

(5) The power to approve the development of community policing innovations.

(6) *The power of eminent domain.*

Section 10. Section 163.370, Florida Statutes, is amended to read:

163.370 Powers; counties and municipalities; community redevelopment agencies.—

(1) *Counties and municipalities may not exercise the power of eminent domain for the purpose of preventing or eliminating a slum area or blighted area as defined in this part; however, counties and municipalities may acquire property by eminent domain within a community redevelopment area, subject to the limitations set forth in ss. 73.013 and 73.014 or other general law.*

(2)(4) Every county and municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted:

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this part.;

(b) To disseminate slum clearance and community redevelopment information.;

(c) To undertake and carry out community redevelopment and related activities within the community redevelopment area, which redevelopment may include:

1. Acquisition of property within a slum area or a blighted area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition or portion thereof.

2. Demolition and removal of buildings and improvements.

3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, public areas of major hotels that are constructed in support of convention centers, including meeting rooms, banquet facilities, parking garages, lobbies, and passageways, and other improvements necessary for carrying out in the community redevelopment area the community redevelopment objectives of this part in accordance with the community redevelopment plan.

4. Disposition of any property acquired in the community redevelopment area at its fair value for uses in accordance with the community redevelopment plan.

5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community redevelopment plan.

6. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

7. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary, or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.

8. Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

9. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of property in unincorporated

enclaves surrounded by the boundaries of a community redevelopment area when it is determined necessary by the agency to accomplish the community redevelopment plan.

10.9. Construction of foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

(d) To provide, or to arrange or contract for, the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a community redevelopment; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it deems reasonable and appropriate which are attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community redevelopment and related activities, and to include in any contract let in connection with such redevelopment and related activities provisions to fulfill such of the conditions as it deems reasonable and appropriate.

(e) Within the community redevelopment area:

1. To enter into any building or property in any community redevelopment area in order to make inspections, surveys, appraisals, soundings, or test borings and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

2. To acquire by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition, ~~eminent domain, or otherwise~~ any real property (or personal property for its administrative purposes), together with any improvements thereon; ~~except that a community redevelopment agency may not exercise any power of eminent domain unless the exercise has been specifically approved by the governing body of the county or municipality which established the agency.~~

3. To hold, improve, clear, or prepare for redevelopment any such property.

4. To mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property.

5. To insure or provide for the insurance of any real or personal property or operations of the county or municipality against any risks or hazards, including the power to pay premiums on any such insurance.

6. To enter into any contracts necessary to effectuate the purposes of this part.

7. To solicit requests for proposals for redevelopment of parcels of real property contemplated by a community redevelopment plan to be acquired for redevelopment purposes by a community redevelopment agency and, as a result of such requests for proposals, to advertise for the disposition of such real property to private persons pursuant to s. 163.380 prior to acquisition of such real property by the community redevelopment agency.

(f) To invest any community redevelopment funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as have been issued pursuant to s. 163.385 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(g) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government or the state, county, or other public body or from any sources, public or private, for the purposes of this part and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the Federal Government for or with respect to community redevelopment and related activities such conditions imposed pursuant to federal laws as the county or municipality deems reasonable and appropriate which are not inconsistent with the purposes of this part.

(h) Within its area of operation, to make or have made all surveys and plans necessary to the carrying out of the purposes of this part; to contract with any person, public or private, in making and carrying out such plans; and to adopt or approve, modify, and amend such plans, which plans may include, but are not limited to:

1. Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.

2. Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

3. Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment and related activities.

(i) To develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income.

(j) To apply for, accept, and utilize grants of funds from the Federal Government for such purposes.

(k) To prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations, and others) displaced from a community redevelopment area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.

(l) To appropriate such funds and make such expenditures as are necessary to carry out the purposes of this part; to zone or rezone any part of the county or municipality or make exceptions from building regulations; and to enter into agreements with a housing authority, which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary, respecting action to be taken by such county or municipality pursuant to any of the powers granted by this part.

(m) To close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places and to plan or replan any part of the county or municipality.

(n) Within its area of operation, to organize, coordinate, and direct the administration of the provisions of this part, as they may apply to such county or municipality, in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such county or municipality may be most effectively promoted and achieved and to establish such new office or offices of the county or municipality or to reorganize existing offices in order to carry out such purpose most effectively.

~~(o) To exercise all or any part or combination of powers herein granted or to elect to have such powers exercised by a community redevelopment agency.~~

~~(o)(p)~~ To develop and implement community policing innovations.

~~(3)(2)~~ The following projects may not be paid for or financed by increment revenues:

(a) Construction or expansion of administrative buildings for public bodies or police and fire buildings, unless each taxing authority agrees to such method of financing for the construction or expansion, or unless the construction or expansion is contemplated as part of a community policing innovation.

(b) Installation, construction, reconstruction, repair, or alteration of any publicly owned capital improvements or projects which are not an integral part of or necessary for carrying out the community redevelopment plan if such projects or improvements are normally financed by the governing body with user fees or if such projects or improvements would be installed, constructed, reconstructed, repaired, or altered within 3 years of the approval of the community redevelopment plan by the gov-

erning body pursuant to a previously approved public capital improvement or project schedule or plan of the governing body which approved the community redevelopment plan.

(c) General government operating expenses unrelated to the planning and carrying out of a community redevelopment plan.

~~(4)(3)~~ With the approval of the governing body, a community redevelopment agency may:

(a) Prior to approval of a community redevelopment plan or approval of any modifications of the plan, acquire real property in a community redevelopment area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition, demolish and remove any structures on the property, and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses.

(b) Assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this subsection, in the event that the real property is not made part of the community redevelopment area.

Section 11. *Section 163.375, Florida Statutes, is repealed.*

Section 12. Section 163.380, Florida Statutes, is amended to read:

163.380 Disposal of property in community redevelopment area.—*The disposal of property in a community redevelopment area which is acquired by eminent domain is subject to the limitations set forth in s. 73.013.*

(1) Any county, municipality, or community redevelopment agency may sell, lease, dispose of, or otherwise transfer real property or any interest therein acquired by it for community redevelopment in a community redevelopment area to any private person, or may retain such property for public use, and may enter into contracts with respect thereto for residential, recreational, commercial, industrial, educational, or other uses, in accordance with the community redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as it deems necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this part. However, such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the community redevelopment plan by the governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the community redevelopment plan and may be obligated to comply with such other requirements as the county, municipality, or community redevelopment agency may determine to be in the public interest, including the obligation to begin any improvements on such real property required by the community redevelopment plan within a reasonable time.

(2) Such real property or interest shall be sold, leased, otherwise transferred, or retained at a value determined to be in the public interest for uses in accordance with the community redevelopment plan and in accordance with such reasonable disposal procedures as any county, municipality, or community redevelopment agency may prescribe. In determining the value of real property as being in the public interest for uses in accordance with the community redevelopment plan, the county, municipality, or community redevelopment agency shall take into account and give consideration to the long-term benefits to be achieved by the county, municipality, or community redevelopment agency resulting from incurring short-term losses or costs in the disposal of such real property; the uses provided in such plan; the restrictions upon, and the covenants, conditions, and obligations assumed by, the purchaser or lessee or by the county, municipality, or community redevelopment agency retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. In the event the value of such real property being disposed of is for less than the fair value, such disposition shall require the approval of the governing body, which approval may only be given following a duly noticed public hearing. The county, municipality, or community redevelopment agency may provide in any instrument of conveyance to a private purchaser or lessee that such purchaser or lessee is without power to sell, lease, or otherwise transfer the real property without the prior written consent of the county, municipality, or community redevelopment agency until the purchaser or lessee has completed the construction of any or all improvements which he or she has obligated himself or herself to construct

thereon. Real property acquired by the county, municipality, or community redevelopment agency which, in accordance with the provisions of the community redevelopment plan, is to be transferred shall be transferred as rapidly as feasible in the public interest, consistent with the carrying out of the provisions of the community redevelopment plan. Any contract for such transfer and the community redevelopment plan, or such part or parts of such contract or plan as the county, municipality, or community redevelopment agency may determine, may be recorded in the land records of the clerk of the circuit court in such manner as to afford actual or constructive notice thereof.

(3)(a) Prior to disposition of any real property or interest therein in a community redevelopment area, any county, municipality, or community redevelopment agency shall give public notice of such disposition by publication in a newspaper having a general circulation in the community, at least 30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property and, prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from, and make all pertinent information available to, private redevelopers or any persons interested in undertaking to redevelop or rehabilitate a community redevelopment area or any part thereof. Such notice shall identify the area or portion thereof and shall state that proposals must be made by those interested within 30 days after the date of publication of the notice and that such further information as is available may be obtained at such office as is designated in the notice. The county, municipality, or community redevelopment agency shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out; and the county, municipality, or community redevelopment agency may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by it in the community redevelopment area. The county, municipality, or community redevelopment agency may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this part. Except in the case of a governing body acting as the agency, as provided in s. 163.357, a notification of intention to accept such proposal must be filed with the governing body not less than 30 days prior to any such acceptance. Thereafter, the county, municipality, or community redevelopment agency may execute such contract in accordance with the provisions of subsection (1) and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract.

(b) Any county, municipality, or community redevelopment agency that, pursuant to the provisions of this section, has disposed of a real property project with a land area in excess of 20 acres may acquire an expanded area that is immediately adjacent to the original project and less than 35 percent of the land area of the original project, by purchase ~~or eminent domain~~ as provided in this chapter, and negotiate a disposition of such expanded area directly with the person who acquired the original project without complying with the disposition procedures established in paragraph (a), provided the county, municipality, or community redevelopment agency adopts a resolution making the following findings:

1. It is in the public interest to expand such real property project to an immediately adjacent area.

2. The expanded area is less than 35 percent of the land area of the original project.

3. The expanded area is entirely within the boundary of the community redevelopment area.

(4) Any county, municipality, or community redevelopment agency may temporarily operate and maintain real property acquired by it in a community redevelopment area for or in connection with a community redevelopment plan pending the disposition of the property as authorized in this part, without regard to the provisions of subsection (1), for such uses and purposes as may be deemed desirable, even though not in conformity with the community redevelopment plan.

(5) If any conflict exists between the provisions of this section and s. 159.61, the provisions of this section govern and supersede those of s. 159.61.

(6) Notwithstanding any provision of this section, if a community redevelopment area is established by the governing body for the redevelopment of property located on a closed military base within the governing body's boundaries, the procedures for disposition of real property

within that community redevelopment area shall be prescribed by the governing body, and compliance with the other provisions of this section shall not be required prior to the disposal of real property.

Section 13. Section 166.401, Florida Statutes, is amended to read:

166.401 Right of eminent domain; *procedure; compliance with limitations.*—

(1) All municipalities in the state may exercise the right and power of eminent domain; that is, the right to appropriate property within the state, except state or federal property, for the uses or purposes authorized pursuant to this part. The absolute fee simple title to all property so taken and acquired shall vest in such municipal corporation unless the municipality seeks to condemn a particular right or estate in such property.

(2) Each municipality is further authorized to exercise the eminent domain power granted to the Department of Transportation in s. 337.27(1) and the transportation corridor protection provisions of s. 337.273.

(3) *The local governing body of a municipality may not exercise its power of eminent domain unless the governing body adopts a resolution authorizing the acquisition of a property, real or personal, by eminent domain for any municipal use or purpose designated in such resolution.*

(4) *Each municipality shall strictly comply with the limitations set forth in ss. 73.013 and 73.014.*

Section 14. Section 166.411, Florida Statutes, is amended to read:

166.411 Eminent domain; uses or purposes.—*Subject to the limitations set forth in ss. 73.013 and 73.014, municipalities are authorized to exercise the power of eminent domain for the following uses or purposes:*

(1) For the proper and efficient carrying into effect of any proposed scheme or plan of drainage, ditching, grading, filling, or other public improvement deemed necessary or expedient for the preservation of the public health, or for other good reason connected in anywise with the public welfare or the interests of the municipality and the people thereof;

(2) Over railroads, traction and streetcar lines, telephone and telegraph lines, all public and private streets and highways, drainage districts, bridge districts, school districts, or any other public or private lands whatsoever necessary to enable the accomplishment of purposes listed in s. 180.06;

(3) For streets, lanes, alleys, and ways;

(4) For public parks, squares, and grounds;

(5) For drainage, for raising or filling in land in order to promote sanitation and healthfulness, and for the taking of easements for the drainage of the land of one person over and through the land of another;

(6) For reclaiming and filling when lands are low and wet, or overflowed altogether or at times, or entirely or partly;

~~(7) For the abatement of any nuisance;~~

~~(7)(8)~~ For the use of water pipes and for sewerage and drainage purposes;

~~(8)(9)~~ For laying wires and conduits underground; *and*

~~(9)(10)~~ For city buildings, waterworks, ponds, and other municipal purposes which shall be coextensive with the powers of the municipality exercising the right of eminent domain. ~~—and~~

Section 15. This act shall take effect upon becoming a law and applies to all property for which a petition of condemnation is filed pursuant to chapter 73 or chapter 74, Florida Statutes, on or after that date.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to eminent domain; creating s. 73.013, F.S.; restricting certain transfers of property taken by eminent domain to certain natural persons or private entities; preserving the government

entity communications services eminent domain limitation; providing an exception to restrictions on eminent domain; creating s. 73.014, F.S.; prohibiting the exercise of eminent domain to eliminate nuisance, slum, or blight conditions; amending s. 73.021, F.S.; clarifying that use for eminent domain means public use or public purpose; amending s. 127.01, F.S.; providing that a county exercising eminent domain must strictly comply with the limitations in ss. 73.013 and 73.014, F.S.; amending s. 127.02, F.S.; requiring that a board of county commissioners adopt a resolution in order to acquire a property through the use of eminent domain; providing that a county exercising eminent domain must strictly comply with the limitations in ss. 73.013 and 73.014, F.S.; amending s. 163.335, F.S.; removing eminent domain from the scope of findings and declarations of necessity under the Community Redevelopment Act; providing that the prevention or elimination of a slum area or blighted area does not satisfy the requirement under the State Constitution that a taking be for a public purpose; amending s. 163.340, F.S.; conforming a cross-reference; amending s. 163.345, F.S.; prescribing limitations on the disposition of property related to certain efforts to encourage the participation of private enterprise in community redevelopment; amending s. 163.358, F.S.; clarifying the scope of the power of community redevelopment by a county or municipality and the authority and limitations on delegation to a community redevelopment agency; prohibiting the delegation of the power of eminent domain to a community redevelopment agency; conforming a cross-reference; amending s. 163.370, F.S.; clarifying limitations on the exercise of eminent domain in the context of community redevelopment; clarifying the manner in which property may be acquired; deleting the authority to delegate the power of eminent domain to a community redevelopment agency; repealing s. 163.375, F.S., relating to the authority of a county, municipality, or community redevelopment agency to exercise the power of eminent domain in connection with community redevelopment for the purpose of preventing and eliminating slums and blight; amending s. 163.380, F.S.; subjecting the disposal of property acquired by eminent domain within a community redevelopment area to certain restrictions; eliminating the authority to use eminent domain to acquire certain areas adjacent to disposed property; amending s. 166.401, F.S.; requiring that the governing body of a municipality adopt a resolution in order to acquire a property through the use of eminent domain; providing that a municipality exercising eminent domain must strictly comply with the limitations in ss. 73.013 and 73.014, F.S.; amending s. 166.411, F.S.; providing that the exercise of eminent domain by a municipality is subject to the limitations in ss. 73.013 and 73.014, F.S.; eliminating the authority of a municipality to use eminent domain for the abatement of nuisances; providing applicability; providing an effective date.

Pursuant to Rule 4.19, **HB 1567** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

SB 512—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.0712, F.S., relating to an exemption from public records requirements for personal identifying information, bank account numbers, and debit, charge, and credit card numbers contained in certain records held by the Department of Health which relate to an individual's personal health or eligibility for health services; excluding bank account numbers and debit, charge, and credit card numbers contained in such records from the exemption; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for the repeal of the exemption; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 512** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2048** was deferred.

On motion by Senator Campbell, by two-thirds vote **HB 7151** was withdrawn from the Committees on Children and Families; and Judiciary.

On motion by Senator Campbell—

HB 7151—A bill to be entitled An act relating to adoption; amending s. 63.054, F.S.; requiring a petitioner in a proceeding for termination of parental rights to provide notice to the Office of Vital Statistics of the Department of Health; prohibiting the office from recording a claim of paternity after the date that a termination of parental rights is filed; requiring the department to remove a registrant's name from the Florida Putative Father Registry upon a finding that the registrant has no parental rights; amending s. 63.062, F.S.; modifying consent required for adoption; amending s. 63.182, F.S.; providing that the interest that entitles a person to notice of an adoption must be direct, financial, and immediate; providing an exception; providing that a showing of an indirect, inconsequential, or contingent interest is wholly inadequate; providing construction and applicability; providing an effective date.

—a companion measure, was substituted for **CS for SB 408** and read the second time by title.

Pursuant to Rule 4.19, **HB 7151** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 1388** was deferred.

On motion by Senator Webster—

CS for CS for SB 2300—A bill to be entitled An act relating to transportation; amending s. 311.22, F.S.; authorizing a 25-percent match of funds for certain dredging projects; amending s. 320.20, F.S.; requiring the Florida Seaport Transportation and Economic Development Council to submit to the Department of Transportation a list of recommended projects; requiring the department to approve final distribution of funds for selected projects for funding in the tentative work program; appropriating \$5 million annually for funding the Florida Seaport Transportation and Economic Development Program as provided in ch. 311, F.S., and for funding seaport intermodal access projects of statewide significance in s. 341.053, F.S.; amending s. 334.351, F.S., relating to youth work experience programs in the Department of Transportation; providing criteria for participation in the program; amending s. 339.08, F.S.; allowing moneys in the State Transportation Trust Fund to be used to pay the cost of the Enhanced Bridge Program; creating s. 339.282, F.S.; creating the Enhanced Bridge Program for Sustainable Transportation within the Department of Transportation; providing for the use of funds in the program; providing project guidelines for program funding; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2300** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, by two-thirds vote **HB 285** was withdrawn from the Committees on Criminal Justice; Domestic Security; and Judiciary.

On motion by Senator Baker—

HB 285—A bill to be entitled An act relating to emergency management; amending s. 252.36, F.S.; providing construction with respect to the authority of the Governor to seize, take, or confiscate firearms in the event of an emergency beyond local control; amending s. 870.044, F.S.; providing construction with respect to the seizure, taking, or confiscation of firearms during a state of emergency; reenacting s. 377.703(3)(a), F.S., relating to the authority of the Governor to utilize specified emergency management powers to carry out emergency actions required by a serious shortage of energy sources under the energy emergency contingency plan of the Department of Environmental Protection, for the purpose of incorporating the amendment to s. 252.36, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 568** and read the second time by title.

Pursuant to Rule 4.19, **HB 285** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 2406—A bill to be entitled An act relating to trust funds; creating s. 220.7015, F.S.; creating the Corporate Income Tax Trust Fund within the Department of Revenue; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Carlton offered the following amendment which was moved by Senator Webster and adopted:

Amendment 1 (194844)(with title amendment)—On page 1, between lines 26 and 27, insert:

Section 2. *Of the funds transferred to the General Revenue Fund from the Corporate Income Tax Trust Fund, \$2,223.8 million shall be used to fund the general revenue portions of Specific Appropriations 213, 217, 226, 227, and 243 for Medicaid services in the 2006-2007 General Appropriations Act. If such transferred funds are insufficient to provide the total general revenue portion of any such Specific Appropriation, additional funds from the General Revenue Fund, other than the funds transferred from the Corporate Income Tax Trust Fund, shall be used to provide the remaining portion of general revenue funding for the Specific Appropriation.*

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: specifying the uses of funds transferred from the Corporate Income Tax Trust Fund;

Pursuant to Rule 4.19, **CS for SB 2406** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

CS for CS for SB 2062—A bill to be entitled An act relating to environmental permitting; amending s. 373.4145, F.S.; requiring the Northwest Florida Water Management District and the Department of Environmental Protection to jointly develop rules for the regulation of certain activities related to stormwater management systems and the management and storage of surface waters; requiring the district and the department to streamline federal and state wetland permitting programs and to implement such measures; requiring certain exemptions and provisions for rules relating to certain dwellings; requiring the department and the district to enter into an operating agreement for the implementation of certain provisions; requiring the district to be responsible for the regulation and local delegation of certain activities; repealing certain provisions upon the adoption of rules; removing a repealer provision; providing an appropriation; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 2062** to **HB 7163**.

Pending further consideration of **CS for CS for SB 2062** as amended, on motion by Senator Clary, by two-thirds vote **HB 7163** was withdrawn from the Committees on General Government Appropriations; Environmental Preservation; Ways and Means; and Rules and Calendar.

On motion by Senator Clary, the rules were waived and—

HB 7163—A bill to be entitled An act relating to environmental permitting; reenacting and amending s. 373.4145, F.S.; requiring the Northwest Florida Water Management District and the Department of Environmental Protection to jointly develop rules for the regulation of certain activities related to stormwater management systems and the management and storage of surface waters; requiring the district and the department to streamline federal and state wetland permitting programs and to implement such measures; requiring certain exemptions and provisions for rules relating to certain dwellings; requiring the department and district to incorporate certain exemptions and general

permits in joint rules; exempting certain activities and structures from permitting requirements; requiring the department and the district to enter into an operating agreement for the implementation of certain provisions; requiring the district to be responsible for the regulation and local delegation of certain activities; providing for continuing operation of certain earlier law; repealing certain provisions upon the adoption of rules; providing effect for failure to fund in any given fiscal year; requiring the department to negotiate with local governments in the district by a certain date for delegation of responsibility for certain permitting; requiring the department to report to the Legislature by a certain date; providing an appropriation for operational expenses of the district; repealing s. 4 of ch. 2005-273, Laws of Florida, and s. 32 of ch. 2005-71, Laws of Florida, which specified dates certain for the repeal of certain provisions relating to permitting in the district; prohibiting limitation or restriction on the protections from duplication contained in certain provisions of law; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2062** as amended and read the second time by title.

Senator Clary moved the following amendments which were adopted:

Amendment 1 (751060)—Lines 50 through 146, delete those lines and insert:

(a) *Jointly develop rules to regulate the construction, operation, alteration, maintenance, abandonment, and removal of stormwater management systems. The department shall adopt the rules by January 1, 2007. The district may implement the department's rules without adoption pursuant to s. 120.54. Until the rules for stormwater management systems take effect, chapter 62-25 Chapter 17-25, Florida Administrative Code, shall remain in full force and effect; and shall be implemented by the department. Notwithstanding the provisions of this section, chapter 62-25 17-25, Florida Administrative Code, may be amended by the department as necessary to comply with any requirements of state or federal laws or regulations, or any condition imposed by a federal program, or as a requirement for receipt of federal grant funds. The intent of these rules is to modify the stormwater rules to improve water quality and flood protection. This objective may be accomplished by applying comparable measures and criteria adopted by the other water management districts which are appropriate considering the differing physical and natural character of the area.*

(b) *Jointly develop rules for the management and storage of surface waters under this part. The department shall adopt the rules by January 1, 2008. The district may implement the department's rules without adoption pursuant to s. 120.54. Until the rules for the management and storage of surface waters under this part take effect, rules adopted pursuant to the authority of ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, in effect prior to July 1, 1994, shall remain in full force and effect, and shall be implemented by the department. However, the department is authorized to establish additional exemptions and general permits for dredging and filling, if such exemptions or general permits do not allow significant adverse impacts to occur individually or cumulatively. However, for the purpose of chapter 62-312 17-312, Florida Administrative Code, the landward extent of surface waters of the state identified in rule 62-312.030(2) 17-312.030(2), Florida Administrative Code, shall be determined in accordance with the methodology in rules 62-340.100 through 62-340.600 17-340.100 through 17-340.600, Florida Administrative Code, as ratified in s. 373.4211, upon the effective date of such ratified methodology. In implementing s. 373.421(2), the department shall determine the extent of those surface waters and wetlands within the regulatory authority of the department as described in this paragraph. At the request of the petitioner, the department shall also determine the extent of surface waters and wetlands that which can be delineated by the methodology ratified in s. 373.4211, but that which are not subject to the regulatory authority of the department as described in this paragraph. The intent of these rules is to preserve property interests while improving the management and storage of surface waters. The scope of these rules must recognize the historically rural nature, current development trends, and the abundant natural resources of the district, and the permitting thresholds and requirements must reflect this distinction.*

(c) *Pursue streamlining of the federal and state wetland permitting programs pursuant to ss. 373.4143 and 373.4144.*

(d) *Implement, to the maximum extent possible, streamlining measures, including electronic permitting, field permitting, and certification*

programs for activities having minimal individual or cumulative impact, informal wetland determinations, and other similar measures.

(2)(e) The department may implement chapter 40A-4, Florida Administrative Code, in effect prior to July 1, 1994, pursuant to an interagency agreement with the Northwest Florida Water Management District adopted under s. 373.046(4).

(3) *The rules adopted under subsection (1), as applicable, shall:*

(a) *Incorporate the exemptions in ss. 373.406 and 403.813(2).*

(b) *Incorporate the provisions of rule 62-341.475(1)(f), Florida Administrative Code, applicable to single-family homes located entirely or partially within wholly owned, isolated wetlands.*

(c) *Exempt from the notice and permitting requirements of this part the construction or private use of a single-family dwelling unit, duplex, triplex, or quadruplex that:*

1. *Is not part of a larger common plan of development or sale proposed by the applicant.*

2. *Does not involve wetlands or other surface waters.*

(d) *At a minimum and taking into consideration the physical and natural character of the area, incorporate the exemptions and general permits under this part in effect elsewhere in the state. These rules shall provide an exemption for the repair, stabilization, or paving of county maintained roads existing on or before January 1, 2002, and the repair or replacement of bridges that are part of the roadway consistent with s. 403.813(2)(t), notwithstanding s. 403.813(2)(t)7., which requires adoption of a general permit applicable within the Northwest Florida Water Management District and the repeal of such exemption upon the adoption of a general permit.*

(e) *Exempt from the rule criteria under paragraph (1)(b) the alteration of wholly owned, artificially created surface waters created entirely from uplands that do not connect to waters of the state, except for those created for the purpose of providing mitigation under this part.*

Amendment 2 (542524)—Lines 279 through 284, delete those lines and insert:

Section 3. *The sum of \$2,418,816 in recurring funds and \$525,000 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Environmental Protection as a transfer to the Northwest Florida Water Management District for the 2006-2007 fiscal year. Funds are provided in order to implement the environmental resource permitting program authorized by s. 373.4145, Florida Statutes.*

MOTION

On motion by Senator Clary, the rules were waived to allow the following amendment to be considered:

Senator Clary moved the following amendment which was adopted:

Amendment 3 (774252)—Line 273, delete that line and insert: *standards. Local governments that receive delegation under this part pursuant to s. 373.441, Florida Statutes, shall have the exclusive authority to issue permits under this part for all activities delegated to the local government. The department shall report to the President of the*

Pursuant to Rule 4.19, **HB 7163** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia—

CS for SB 2116—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding motor vehicle crash reports; amending s. 316.003, F.S.; revising the definition of “victim services programs” to include only organizations that are qualified for nonprofit status under s. 501(c)(3) of the United States Internal Revenue Code and have a valid consumer’s certificate of exemption issued to the organization by the Department of Revenue; amending s. 316.066, F.S., which provides an exemption from public records requirements for required motor vehicle crash reports that reveal the identity, home or

employment telephone number, or home or employment address of, or other personal information concerning, parties involved in a motor vehicle crash and that are held by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes; creating a public-records exemption for uniform traffic citations related to a motor vehicle crash; providing that such citations be made immediately available to certain parties; reorganizing provisions, making editorial and conforming changes, and removing superfluous language; providing for the future review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; amending ss. 324.051 and 921.0022, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2116** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **HB 587** was withdrawn from the Committee on Health Care.

On motion by Senator Bennett—

HB 587—A bill to be entitled An act relating to health care practitioners; providing legislative findings and intent; amending s. 456.072, F.S., relating to grounds for discipline, penalties, and enforcement applicable to health care practitioners; providing that a practitioner’s failure to identify the type of license under which he or she is practicing constitutes grounds for disciplinary action; providing exceptions; authorizing certain entities to determine compliance with a disclosure requirement; providing penalties; specifying that a reference to the section constitutes a general reference under the doctrine of incorporation by reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 416** and read the second time by title.

Pursuant to Rule 4.19, **HB 587** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for CS for SB 2278—A bill to be entitled An act relating to criminal justice; amending s. 921.0022, F.S.; ranking in the offense severity ranking chart of the Criminal Punishment Code several offenses relating to failure by a sexual predator or sexual offender to comply with certain reporting requirements; amending s. 943.043, F.S.; requiring that information on the Internet registry regarding sexual predators and sexual offenders include a link to conviction and case information, if available; requiring the Department of Law Enforcement to include notice to local law enforcement agencies of those sexual predators and sexual offenders who, upon release from state incarceration, have no registration activity or record within an anticipated timeframe; amending s. 943.0435, F.S.; requiring the Department of Law Enforcement to report violations of supervision and arrests related to reregistration requirements for sexual predators and sexual offenders; requiring reporting to the Legislature and Governor; amending s. 943.04351, F.S.; requiring a search of the National Sex Offender Public Registry before a person may work or volunteer at a place where children regularly congregate; amending s. 948.063, F.S.; requiring that the court order electronic monitoring as a condition of probation or community control following a violation of probation or community control by certain offenders who are designated as sexual offenders or sexual predators; amending s. 948.30, F.S.; requiring that the court order mandatory electronic monitoring as a condition of probation or community control supervision for certain sex offenders whose crimes involved young children; amending s. 947.1405, F.S.; expanding the eligibility criteria for the conditional release program; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 2278** to **HB 7187**.

Pending further consideration of **CS for CS for SB 2278** as amended, on motion by Senator Argenziano, by two-thirds vote **HB 7187** was

withdrawn from the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

On motion by Senator Argenziano, the rules were waived and—

HB 7187—A bill to be entitled An act relating to criminal justice; amending s. 921.0022, F.S.; ranking in the offense severity ranking chart of the Criminal Punishment Code several offenses relating to failure by a sexual predator or sexual offender to comply with certain reporting requirements; amending s. 943.04351, F.S.; requiring a search of the National Sex Offender Public Registry before a person may work or volunteer at a place where children regularly congregate; amending s. 948.063, F.S.; requiring that the court order electronic monitoring as a condition of probation or community control following a violation of probation or community control by certain offenders who are designated as sexual offenders or sexual predators; amending s. 948.30, F.S.; requiring that the court order mandatory electronic monitoring as a condition of probation or community control supervision for certain sex offenders whose crimes involved young children; amending s. 947.1405, F.S.; expanding the eligibility criteria for the conditional release program; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2278** as amended and read the second time by title.

MOTION

On motion by Senator Argenziano, the rules were waived to allow the following amendments to be considered:

Senator Argenziano moved the following amendment which was adopted:

Amendment 1 (904166)(with title amendment)—Between lines 273 and 274, insert:

Section 6. *The Department of Law Enforcement shall determine the feasibility of enhancing the sexual offender and predator website to include a mapping capability for residents, local law enforcement agencies, and correctional officials to use. This mapping capability shall overlay the registered sexual offender and sexual predator's known location and plot its proximity to prohibited sites, such as day care centers and other places where children regularly congregate. The department shall assess the extent to which public safety and public notification could be improved with such a feature on the state website. The department shall also project the costs of the enhancement. The department shall report its findings and cost estimations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2006.*

(Redesignate subsequent sections.)

And the title is amended as follows:

Line 20, after the semicolon (;) insert: requiring the Department of Law Enforcement to determine the feasibility of the use of a mapping capability on its website; requiring the department to project the costs; requiring the department to submit a report to the Governor and the Legislature;

Senator Argenziano moved the following amendment:

Amendment 2 (763440)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
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316.027(1)(b)	2nd	(g) LEVEL 7 Accident involving death, failure to stop; leaving scene.
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Florida Statute	Felony Degree	Description
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(9)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
775.21(6)(g)3.	2nd	Sexual predator remaining at permanent residence after reporting he or she would or did vacate; failure to comply with reporting requirements.
775.21(6)(i)	3rd	Sexual predator intending to establish residence in another state; failure to comply with reporting requirements.
775.21(6)(j)	2nd	Sexual predator remains in state after indicating intent to leave; failure to comply with reporting requirements.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.	812.131(2)(a)	2nd	Robbery by sudden snatching.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
784.048(7)	3rd	Aggravated stalking; violation of court order.	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.	817.2341(2)(b) and (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
784.081(1)	1st	Aggravated battery on specified official or employee.	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
784.083(1)	1st	Aggravated battery on code inspector.	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	838.015	2nd	Bribery.
790.16(1)	1st	Discharge of a machine gun under specified circumstances.	838.016	2nd	Unlawful compensation or reward for official behavior.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.	838.021(3)(a)	2nd	Unlawful harm to a public servant.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.	838.22	2nd	Bid tampering.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.	872.06	2nd	Abuse of a dead human body.
796.03	2nd	Procuring any person under 16 years for prostitution.	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
806.01(2)	2nd	Maliciously damage structure by fire or explosive.			
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.			

Florida Statute	Felony Degree	Description
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
943.0435(7)	3rd	<i>Sexual offender intending to establish residence in another state; failure to comply with reporting requirements.</i>
943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

Section 2. Subsections (1) and (5) of section 943.043, Florida Statutes, are amended to read:

943.043 Toll-free telephone number; Internet notification; sexual predator and sexual offender information.—

(1) The department may notify the public through the Internet of any information regarding sexual predators and sexual offenders which is not confidential and exempt from public disclosure under s. 119.07(1) and s. 24(a), Art. I of the State Constitution. *When available from data contained in the registry, information provided on the Internet shall include the county where the qualifying sex-related offense occurred, a link to the statutory offense of which the sexual predator or sexual offender was convicted, and the court case number.*

(5) In an effort to ensure that sexual predators and sexual offenders who fail to respond to address-verification attempts or who otherwise abscond from registration are located in a timely manner, the department shall share information with local law enforcement agencies. The department shall use analytical resources to assist local law enforcement agencies to determine the potential whereabouts of any sexual predator or sexual offender who fails to respond to address-verification attempts or who otherwise absconds from registration. The department shall review and analyze all available information concerning any such predator or offender who fails to respond to address-verification attempts or who otherwise absconds from registration and provide the information to local law enforcement agencies in order to assist the agencies in locating and apprehending the sexual predator or sexual offender. *Such information shall include notice to local law enforcement agencies of those sexual predators and sexual offenders who, upon their release from state incarceration, have no registration activity on record with the department within an anticipated timeframe as specified under registration requirements in s. 775.21, s. 943.0435, or s. 944.607.*

Section 3. Subsection (15) is added to section 943.0435, Florida Statutes, to read:

943.0435 Sexual offenders required to register with the department; penalty.—

(15) *The department, using data supplied by the Department of Corrections, the Office of the State Courts Administrator, and clerks of court, shall report violations of supervision and arrests related to the reregistration requirements of sexual predators and sexual offenders as provided in s. 775.21(8)(a), paragraph (14)(a), and s. 944.607(13)(a). These reports, to be compiled by the department, shall include information concerning compliance with registration laws, arrests of sexual predators and sexual offenders and the subsequent judicial proceedings, and violations of supervision requirements by these offenders relating to the referenced statutes or other conditions of supervision. These reports shall also provide summary descriptions of the sexual predators and sexual offenders who are arrested or violate probation and summarize information by county and judicial circuit and statewide. The initial report shall be made to the Speaker of the House of Representatives, the President of the Senate, the Office of Program Policy Analysis and Government Accountability, and the Executive Office of the Governor on March 1, 2007, for the period from December 1, 2005, through June 30, 2006, and annually thereafter based on information for the preceding fiscal year.*

Section 4. Section 943.04351, Florida Statutes, is amended to read:

943.04351 Search of registration information regarding sexual predators and sexual offenders required prior to appointment or employment.—A state agency or governmental subdivision, prior to making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, day care center, or other place where children regularly congregate, must conduct a search of that person's name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under s. 943.043 and against the registration information regarding sex offenders maintained by the Federal Bureau of Investigation in the National Sex Offender Public Registry. The agency or governmental subdivision may conduct the search using the Internet site maintained by the Department of Law Enforcement. This section does not apply to those positions or appointments within a state agency or governmental subdivision for which a state and national criminal history background check is conducted.

Section 5. Section 948.063, Florida Statutes, is amended to read:

948.063 Violations of probation or community control by designated sexual offenders and sexual predators.—If probation or community con-

control for any felony offense is revoked by the court pursuant to s. 948.06(2)(e) and the offender is designated as a sexual offender pursuant to s. 943.0435 or s. 944.607 or as a sexual predator pursuant to s. 775.21 for unlawful sexual activity involving a victim 15 years of age or younger and the offender is 18 years of age or older, and if the court imposes a subsequent term of supervision following the revocation of probation or community control, the court must order electronic monitoring as a condition of the subsequent term of probation or community control.

Section 6. Subsection (3) of section 948.30, Florida Statutes, is amended to read:

948.30 Additional terms and conditions of probation or community control for certain sex offenses.—Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section.

(3) Effective for a probationer or community controllee whose felony offense ~~crime~~ was committed on or after September 1, 2005, and who:

(a) Is placed on probation or community control for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older;

(b) Is designated as a sexual predator pursuant to s. 775.21; or

(c) Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older,

the court must order, in addition to any other provision of this section, mandatory electronic monitoring as a condition of the probation or community control supervision.

Section 7. Subsection (2) of section 947.1405, Florida Statutes, is amended to read:

947.1405 Conditional release program.—

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), or is convicted of any offense committed on or after July 1, 2006, under the following statutory provisions:

1. Aggravated stalking, under s. 784.048;
2. Kidnapping, under s. 787.01;
3. False imprisonment, under s. 787.02;
4. Luring or enticing a child, under s. 787.025;
5. Human trafficking, under s. 787.06;
6. Procuring person under age of 18 for prostitution, under s. 796.03;
7. Sexual performance by a child, under s. 827.071;
8. Computer pornography, under s. 847.0135;
9. Transmission of pornography by electronic device or equipment, under s. 847.0137;
10. Transmission to a minor of material harmful to minors by electronic device or equipment, under s. 847.138; or
11. Selling or buying of minors, under s. 847.0145,

and who has served at least one prior felony commitment at a state or federal correctional institution;

(b) Is sentenced as a habitual or violent habitual offender or a violent career criminal pursuant to s. 775.084; or

(c) Is found to be a sexual predator under s. 775.21 or former s. 775.23,

shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. Such supervision shall be applicable to all sentences within the overall term of sentences if an inmate's overall term of sentences includes one or more sentences that are eligible for conditional release supervision as provided herein. Effective July 1, 1994, and applicable for offenses committed on or after that date, the commission may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The commission, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If any inmate placed on conditional release supervision is also subject to probation or community control, resulting from a probationary or community control split sentence within the overall term of sentences, the Department of Corrections shall supervise such person according to the conditions imposed by the court and the commission shall defer to such supervision. If the court revokes probation or community control and resentsences the offender to a term of incarceration, such revocation also constitutes a sufficient basis for the revocation of the conditional release supervision on any nonprobationary or noncommunity control sentence without further hearing by the commission. If any such supervision on any nonprobationary or noncommunity control sentence is revoked, such revocation may result in a forfeiture of all gain-time, and the commission may revoke the resulting deferred conditional release supervision or take other action it considers appropriate. If the term of conditional release supervision exceeds that of the probation or community control, then, upon expiration of the probation or community control, authority for the supervision shall revert to the commission and the supervision shall be subject to the conditions imposed by the commission. A panel of no fewer than two commissioners shall establish the terms and conditions of any such release. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.

Section 8. This act shall take effect July 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal justice; amending s. 921.0022, F.S.; ranking in the offense severity ranking chart of the Criminal Punishment Code several offenses relating to failure by a sexual predator or sexual offender to comply with certain reporting requirements; amending s. 943.043, F.S.; requiring that information on the Internet registry regarding sexual predators and sexual offenders include a link to conviction and case information, if available; requiring the Department of Law Enforcement to include notice to local law enforcement agencies of those sexual predators and sexual offenders who, upon release from state incarceration, have no registration activity or record within an anticipated timeframe; amending s. 943.0435, F.S.; requiring the Department of Law Enforcement to report violations of supervision and arrests related to reregistration requirements for sexual predators and sexual offenders; requiring reporting to the Legislature and Governor; amending s. 943.04351, F.S.; requiring a search of the National Sex Offender Public Registry before a person may work or volunteer at a place where children regularly congregate; amending s. 948.063, F.S.; requiring that the court order electronic monitoring as a condition of probation or community control following a violation of probation or community control by certain offenders who are designated as sexual offenders or sexual predators; amending s. 948.30, F.S.; requiring that the court order mandatory electronic monitoring as a condition of probation or community control supervision for certain sex offenders whose crimes involved young children; amending s. 947.1405, F.S.; expanding the eligibility criteria for the conditional release program; providing an effective date.

Senator Argenziano moved the following amendment to **Amendment 2** which was adopted:

Amendment 2A (971336)(with title amendment)—On page 19, between lines 22 and 23, insert:

Section 7. *The Department of Law Enforcement shall determine the feasibility of enhancing the sexual offender and predator website to include a mapping capability for residents, local law enforcement agencies, and correctional officials to use. This mapping capability shall overlay the registered sexual offender and sexual predator's known location and plot its proximity to prohibited sites, such as day care centers and other places where children regularly congregate. The department shall assess the extent to which public safety and public notification could be improved with such a feature on the state website. The department shall also project the costs of the enhancement. The department shall report its findings and cost estimations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2006.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 21, line 9, after the semicolon (;) insert: requiring the Department of Law Enforcement to determine the feasibility of the use of a mapping capability on its website; requiring the department to project the costs; requiring the department to submit a report to the Governor and the Legislature;

Amendment 2 as amended was adopted.

Pursuant to Rule 4.19, **HB 7187** as amended was placed on the calendar of Bills on Third Reading.

SENATOR CARLTON PRESIDING

On motion by Senator Miller—

CS for SB 1174—A bill to be entitled An act relating to the Family and School Partnership for Student Achievement Act; amending s. 1002.23, F.S.; requiring that the Department of Education include in the parents' guide to student achievement information about parents' rights relating to their child's permanent record; requiring that a checklist of parental actions that can strengthen parental involvement in their child's education be reviewed during parent-teacher conferences; requiring school districts to include, when adopting specified rules, certain requirements requiring notification of parents concerning the academic performance or behavior of their child in school; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1174** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich, by two-thirds vote **HB 7173** was withdrawn from the Committees on Children and Families; Education; Governmental Oversight and Productivity; and Health and Human Services Appropriations.

On motion by Senator Rich, the rules were waived and—

HB 7173—A bill to be entitled An act relating to the welfare of children; amending s. 39.001, F.S.; providing additional purposes of ch. 39, F.S.; revising legislative intent; creating the Office of Child Abuse Prevention within the Executive Office of the Governor; directing the Governor to appoint a director of the office; providing duties and responsibilities of the director; providing procedures for evaluation of child abuse prevention programs; requiring a report to the Governor, Legislature, secretaries of certain state agencies, and certain committees of the Legislature; providing for information to be included in the report; providing for the development and implementation of a state plan for the coordination of child abuse prevention programs and services; establishing a Child Abuse Prevention Advisory Council; providing for membership, duties, and responsibilities; requiring requests for funding to be based on the state plan; providing for review and revision of the state plan; granting rulemaking authority to the Executive Office of the Governor;

requiring the Legislature to evaluate the office by a specified date; amending s. 39.0014, F.S.; providing responsibilities of the office under ch. 39, F.S.; amending s. 39.01, F.S.; providing and revising definitions; amending s. 39.202, F.S.; providing access to records for agencies that provide early intervention and prevention services; amending ss. 39.0015, 39.013, and 39.302, F.S.; conforming cross-references and terminology; amending s. 39.701, F.S.; requiring the court to issue an order that is separate from other judicial review orders; amending s. 402.164, F.S.; establishing legislative intent for the statewide and local advocacy councils; revising a definition; amending s. 402.165, F.S.; providing for termination of members of the statewide council; providing guidelines for selection of the executive director of the Florida Statewide Advocacy Council; establishing a process for investigating reports of abuse; revising council meeting requirements; providing requirements for interagency agreements; requiring interagency agreements to be renewed annually and submitted to the Governor by a specified date; providing additional requirements for the statewide council to petition the circuit court for access to certain records; amending s. 409.1451, F.S., relating to independent living transition services; revising eligibility requirements for certain young adults; revising duties of the Department of Children and Family Services regarding independent living transition services; including additional parties in the review of a child's academic performance; requiring the department or a community-based care lead agency under contract with the department to develop a plan for delivery of such services; requiring additional aftercare support services; providing additional qualifications to receive an award under the Road-to-Independence Program; deleting certain time restrictions for submitting applications; providing procedures for the payment of awards; requiring collaboration between certain parties in the development of a plan regarding the provision of transitional services; requiring a community-based care lead agency to develop a plan for purchase and delivery of such services and requiring department approval prior to implementation; requiring the department to submit a report annually to the Legislature on performance, oversight, and rule development; permitting the Independent Living Services Advisory Council to have access to certain data held by the department and certain agencies; amending s. 409.175, F.S.; revising the definition of the term "boarding school" to require such schools to meet certain standards within a specified timeframe; amending s. 409.903, F.S.; providing eligibility criteria for certain persons to qualify for medical assistance payments; creating s. 743.045, F.S.; removing the disability of nonage for certain youth in the legal custody of the Department of Children and Family Services; amending s. 1009.25, F.S.; providing additional criteria for a student to qualify for an exemption from certain tuition and fees; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1798** and read the second time by title.

MOTION

On motion by Senator Rich, the rules were waived to allow the following amendment to be considered:

Senator Rich moved the following amendment which was adopted:

Amendment 1 (660866)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 409.1451, Florida Statutes, is amended to read:

409.1451 Independent living transition services.—

(1) SYSTEM OF SERVICES.—

(a) The Department of Children and Family Services, its agents, or community-based providers operating pursuant to s. 409.1671 shall administer a system of independent living transition services to enable older children in foster care and young adults who exit foster care at age 18 to make the transition to self-sufficiency as adults.

(b) The goals of independent living transition services are to assist older children in foster care and young adults who were formerly in foster care to obtain life skills and education for independent living and employment, to have a quality of life appropriate for their age, and to assume personal responsibility for becoming self-sufficient adults.

(c) State funds for foster care or federal funds shall be used to establish a continuum of services for eligible children in foster care and eligible young adults who were formerly in foster care which accomplish the

goals for the system of independent living transition services by providing services for foster children, pursuant to subsection (4), and services for young adults who were formerly in foster care, pursuant to subsection (5).

(d) For children in foster care, independent living transition services are not an alternative to adoption. Independent living transition services may occur concurrently with continued efforts to locate and achieve placement in adoptive families for older children in foster care.

(2) ELIGIBILITY.—

(a) The department shall serve children who have reached 13 years of age but are not yet 18 years of age and who are in foster care by providing services pursuant to subsection (4). Children to be served must meet the eligibility requirements set forth for specific services as provided in this section.

(b) The department shall *provide services pursuant to subsection (5) to serve* young adults who have reached 18 years of age but are not yet 23 years of age and who were in foster care when they turned 18 years of age *or who were adopted from foster care after reaching 16 years of age or, after spending at least 6 months in the custody of the department after reaching 16 years of age, were placed in a guardianship by the court by providing services pursuant to subsection (5).* Young adults *are not entitled* to be served *but* must meet the eligibility requirements set forth for specific services in this section.

(3) PREPARATION FOR INDEPENDENT LIVING.—

(a) It is the intent of the Legislature for the Department of Children and Family Services to assist older children in foster care and young adults who exit foster care at age 18 in making the transition to independent living and self-sufficiency as adults. The department shall provide such children and young adults with opportunities to participate in life skills activities in their foster families and communities which are reasonable and appropriate for their respective ages *or for any special needs they may have;* and shall provide them with services to build *life* the skills and increase their ability to live independently and become self-sufficient. To support the provision of opportunities for participation in age-appropriate life skills activities, the department shall:

1. Develop a list of age-appropriate activities and responsibilities to be offered to all children involved in independent living transition services and their foster parents.

2. Provide training for staff and foster parents to address the issues of older children in foster care in transitioning to adulthood, which shall include information on *high school completion, grant applications, vocational school opportunities,* supporting education and employment opportunities, and *providing* opportunities to participate in appropriate daily activities.

3. Develop procedures to maximize the authority of foster parents *or caregivers* to approve participation in age-appropriate activities of children in their care. *The age-appropriate activities shall be included in the child's case plan. This plan must include specific goals and objectives and be reviewed at each judicial review as part of the case plan.*

4. Provide opportunities for older children in foster care to interact with mentors.

5. Develop and implement procedures for older children to directly access and manage the personal allowance they receive from the department in order to learn responsibility and participate in age-appropriate life skills activities to the extent feasible.

6. *Make a good faith effort to fully explain, prior to execution of any signature, if required, any document, report, form, or other record, whether written or electronic, presented to a child or young adult and allow for the recipient to ask any appropriate questions necessary to fully understand the document. It shall be the responsibility of the person presenting the document to the child or young adult to comply with this subparagraph.*

(b) It is further the intent of the Legislature that each child in foster care, his or her foster parents, if applicable, and the department or community-based provider set early achievement and career goals for the child's postsecondary educational and work experience. The department and community-based providers shall implement the model set

forth in this paragraph to help ensure that children in foster care are ready for postsecondary education and the workplace.

1. *For children in foster care who have reached 13 years of age, entering the 9th grade, their foster parents, and the department or community-based provider shall ensure that the child's case plan includes an educational and career path be active participants in choosing a post-high-school goal* based upon both the abilities and interests of each child. *The child, the foster parents, and a teacher or other school staff member shall be included to the fullest extent possible in developing the path. The path shall be reviewed at each judicial hearing as part of the case plan and goal* shall accommodate the needs of children served in exceptional education programs to the extent appropriate for each individual. Such children may continue to follow the courses outlined in the district school board student progression plan. Children in foster care, with the assistance of their foster parents, and the department or community-based provider shall choose one of the following postsecondary goals:

a. Attending a 4-year college or university, a community college plus university, or a military academy;

b. Receiving a 2-year postsecondary degree;

c. Attaining a postsecondary career and technical certificate or credential; or

d. Beginning immediate employment, *including apprenticeship,* after completion of a high school diploma or its equivalent, or enlisting in the military.

2. In order to assist the child in foster care in achieving his or her chosen goal, the department or community-based provider shall, with the participation of the child and foster parents, identify:

a. The core courses necessary to qualify for a chosen goal.

b. Any elective courses which would provide additional help in reaching a chosen goal.

c. The grade point requirement and any additional information necessary to achieve a specific goal.

d. A teacher, other school staff member, employee of the department or community-based care provider, or community volunteer who would be willing to work with the child as an academic advocate or mentor if foster parent involvement is insufficient or unavailable.

3. In order to complement educational goals, the department and community-based providers are encouraged to form partnerships with the business community to support internships, apprenticeships, or other work-related opportunities.

4. The department and community-based providers shall ensure that children in foster care and their foster parents are made aware of the postsecondary goals available and shall assist in identifying the coursework necessary to enable the child to reach the chosen goal.

(c) All children in foster care and young adults formerly in foster care are encouraged to take part in learning opportunities that result from participation in community service activities.

(d) Children in foster care and young adults formerly in foster care shall be provided with the opportunity to change from one postsecondary goal to another, and each postsecondary goal shall allow for changes in each individual's needs and preferences. Any change, particularly a change that will result in additional time required to achieve a goal, shall be made with the guidance and assistance of the department or community-based provider.

(4) SERVICES FOR CHILDREN IN FOSTER CARE.—The department shall provide the following transition to independence services to children in foster care who meet prescribed conditions and are determined eligible by the department. The service categories available to children in foster care which facilitate successful transition into adulthood are:

(a) Preindependent living services.—

1. Preindependent living services include, but are not limited to, life skills training, educational field trips, and conferences. The specific services to be provided to a child shall be determined using a preindependent living assessment.

2. A child who has reached 13 years of age but is not yet 15 years of age who is in foster care is eligible for such services.

3. The department shall conduct an annual staffing for each child who has reached 13 years of age but is not yet 15 years of age to ensure that the preindependent living training and services to be provided as determined by the preindependent living assessment are being received and to evaluate the progress of the child in developing the needed independent living skills.

4. At the first annual staffing that occurs following a child's 14th birthday, and at each subsequent staffing, the department *or community-based provider shall ensure that the child's case plan includes an educational and career path based upon both the abilities and interests of each child and shall provide to each child detailed personalized information on services provided by the Road-to-Independence Scholarship Program, including requirements for eligibility; on other grants, scholarships, and waivers that are available and should be sought by the child with assistance from the department, including, but not limited to, the Bright Futures Scholarship Program, as provided in ss. 1009.53-1009.538; on application deadlines; and on grade requirements for such programs.*

5. Information related to both the preindependent living assessment and all staffings, which shall be reduced to writing and signed by the child participant, shall be included as a part of the written report required to be provided to the court at each judicial review held pursuant to s. 39.701.

(b) Life skills services.—

1. Life skills services may include, but are not limited to, independent living skills training; including training to develop *financial literacy banking and budgeting skills, interviewing skills, parenting skills, and time management or organizational skills*, educational support, employment training, and counseling. Children receiving these services should also be provided with information related to social security insurance benefits and public assistance. The specific services to be provided to a child shall be determined using an independent life skills assessment.

2. A child who has reached 15 years of age but is not yet 18 years of age who is in foster care is eligible for such services.

3. The department shall conduct a staffing at least once every 6 months for each child who has reached 15 years of age but is not yet 18 years of age to ensure that the appropriate independent living training and services as determined by the independent life skills assessment are being received and to evaluate the progress of the child in developing the needed independent living skills.

4. The department shall provide to each child in foster care *no later than during the calendar month following the child's 17th birthday an independent living assessment to determine the child's skills and abilities to live independently and become self-sufficient. Based on the results of the independent living assessment, services and training shall be provided in order for the child to develop the necessary skills and abilities prior to the child's 18th birthday.*

5. *The department or community-based care provider shall work with the child in developing a joint transition plan that is consistent with the needs assessment described in subparagraph 4. The transition plan must identify the specific services needed to support the child's own efforts to achieve independence and must include specific tasks that the child must complete or maintain in order to achieve independence. The plan shall be incorporated into the child's case plan and reviewed at the first judicial review after the child's 17th birthday.*

6.5. Information related to both the independent life skills assessment and all staffings, which shall be reduced to writing and signed by the child participant, shall be included as a part of the written report required to be provided to the court at each judicial review held pursuant to s. 39.701.

(c) Subsidized independent living services.—

1. Subsidized independent living services are living arrangements that allow the child to live independently of the daily care and supervision of an adult in a setting that is not required to be licensed under s. 409.175.

2. A child who has reached 16 years of age but is not yet 18 years of age is eligible for such services if he or she:

a. Is adjudicated dependent under chapter 39; has been placed in licensed out-of-home care for at least 6 months prior to entering subsidized independent living; and has a permanency goal of adoption, independent living, or long-term licensed care; and

b. Is able to demonstrate independent living skills, as determined by the department, using established procedures and assessments.

3. Independent living arrangements established for a child must be part of an overall plan leading to the total independence of the child from the department's supervision. The plan must include, but need not be limited to, a description of the skills of the child and a plan for learning additional identified skills; the behavior that the child has exhibited which indicates an ability to be responsible and a plan for developing additional responsibilities, as appropriate; a plan for future educational, vocational, and training skills; present financial and budgeting capabilities and a plan for improving resources and ability; a description of the proposed residence; documentation that the child understands the specific consequences of his or her conduct in the independent living program; documentation of proposed services to be provided by the department and other agencies, including the type of service and the nature and frequency of contact; and a plan for maintaining or developing relationships with the family, other adults, friends, and the community, as appropriate.

4. Subsidy payments in an amount established by the department may be made directly to a child under the direct supervision of a caseworker or other responsible adult approved by the department.

(5) **SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER CARE.**—Based on the availability of funds, the department shall provide or arrange for the following services to young adults formerly in foster care who meet the prescribed conditions and are determined eligible by the department. *The department, or a community-based care lead agency when the agency is under contract with the department to provide the services described under this subsection, shall develop a plan to implement those services. A plan shall be developed for each community-based care service area in the state. Each plan that is developed by a community-based care lead agency shall be submitted to the department. Each plan shall include the number of young adults to be served each month of the fiscal year and specify the number of young adults who will reach 18 years of age who will be eligible for the plan and the number of young adults who will reach 23 years of age and will be ineligible for the plan or who are otherwise ineligible during each month of the fiscal year; staffing requirements and all related costs to administer the services and program; expenditures to or on behalf of the eligible recipients; costs of services provided to young adults through an approved plan for housing, transportation, and employment; reconciliation of these expenses and any additional related costs with the funds allocated for these services; and an explanation of and a plan to resolve any shortages or surpluses in order to end the fiscal year with a balanced budget.* The categories of services available to assist a young adult formerly in foster care to achieve independence are:

(a) Aftercare support services.—

1. Aftercare support services are available to assist young adults who were formerly in foster care in their efforts to continue to develop the skills and abilities necessary for independent living. The aftercare support services available include, but are not limited to, the following:

a. Mentoring and tutoring.

b. Mental health services and substance abuse counseling.

c. Life skills classes, including credit management and preventive health activities.

d. Parenting classes.

e. Job and career skills training.

- f. Counselor consultations.
- g. Temporary financial assistance.
- h. *Financial literacy skills training.*

The specific services to be provided under this subparagraph shall be determined by an aftercare services assessment and may be provided by the department or through referrals in the community.

2. Temporary assistance provided to prevent homelessness shall be provided as expeditiously as possible and within the limitations defined by the department.

3.2. A young adult who has reached 18 years of age but is not yet 23 years of age who leaves foster care at 18 years of age but who requests services prior to reaching 23 years of age is eligible for such services.

(b) Road-to-Independence ~~Scholarship~~ Program.—

1. The Road-to-Independence ~~Scholarship~~ Program is intended to help eligible students who are former foster children in this state to receive the educational and vocational training needed to achieve independence. The amount of the award shall be based on the living and educational needs of the young adult and may be up to, but may not exceed, the amount of earnings that the student would have been eligible to earn working a 40-hour-a-week federal minimum wage job.

2. A young adult who has reached 18 years of age but is not yet 21 years of age is eligible for the initial award, and a young adult under 23 years of age is eligible for renewal awards, if he or she:

a. Was a dependent child, under chapter 39, and was living in licensed foster care or in subsidized independent living at the time of his or her 18th birthday *or is currently in licensed foster care or subsidized independent living, was adopted from foster care after reaching 16 years of age, or, after spending at least 6 months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court;*

b. Spent at least 6 months living in foster care before reaching his or her 18th birthday;

c. Is a resident of this state as defined in s. 1009.40; and

d. Meets one of the following qualifications:

(I) Has earned a standard high school diploma or its equivalent as described in s. 1003.43 or s. 1003.435, or has earned a special diploma or special certificate of completion as described in s. 1003.438, and has been admitted for full-time enrollment in an eligible postsecondary education institution as defined in s. 1009.533;

(II) Is enrolled full time in an accredited high school; or

(III) Is enrolled full time in an accredited adult education program designed to provide the student with a high school diploma or its equivalent.

3. A young adult applying for *the* a Road-to-Independence ~~Program~~ ~~Scholarship~~ must apply for any other grants and scholarships for which he or she may qualify. The department shall assist the young adult in the application process and may use the federal financial aid grant process to determine the funding needs of the young adult.

4. *An award shall be available to a young adult who is considered a full-time student or its equivalent by the educational institution in which he or she is enrolled, unless that young adult has a recognized disability preventing full-time attendance.* The amount of the award, whether it is being used by a young adult working toward completion of a high school diploma or its equivalent or working toward completion of a postsecondary education program, shall be determined based on an assessment of the funding needs of the young adult. This assessment must consider the young adult's living and educational costs and other grants, scholarships, waivers, earnings, and other income to be received by the young adult. An award shall be available only to the extent that other grants and scholarships are not sufficient to meet the living and educational needs of the young adult, but an award may not be less than \$25 in order to maintain Medicaid eligibility for the young adult as provided in s. 409.903.

5. *The amount of the award may be disregarded for purposes of determining the eligibility for, or the amount of, any other federal or federally supported assistance.*

6.5.a. The department must advertise the *criteria, application procedures, and availability of the program to:*

(I) *Children and young adults in, leaving, or formerly in foster care.*

(II) *Case managers.*

(III) *Guidance and family services counselors.*

(IV) *Principals or other relevant school administrators.*

(V) *Guardians ad litem.*

(VI) ~~Foster parents. and must ensure that the children and young adults leaving foster care, foster parents, or family services counselors are informed of the availability of the program and the application procedures.~~

~~b. A young adult must apply for the initial award during the 6 months immediately preceding his or her 18th birthday, and the department shall provide assistance with the application process. A young adult who fails to make an initial application, but who otherwise meets the criteria for an initial award, may make one application for the initial award if the application is made before the young adult's 21st birthday. If the young adult does not apply for an initial award before his or her 18th birthday, the department shall inform that young adult of the opportunity to apply before turning 21 years of age.~~

~~b.e. If funding for the program is available, The department shall issue awards from the scholarship program for each young adult who meets all the requirements of the program to the extent funding is available.~~

~~c.d. An award shall be issued at the time the eligible student reaches 18 years of age.~~

~~d.e. A young adult who is eligible for the Road-to-Independence Program, transitional support services, or aftercare services and who so desires shall be allowed to reside with the licensed foster family or group care provider with whom he or she was residing at the time of attaining his or her 18th birthday or to reside in another licensed foster home or with a group care provider arranged by the department.~~

~~e.f. If the award recipient transfers from one eligible institution to another and continues to meet eligibility requirements, the award must be transferred with the recipient.~~

~~f.g. Scholarship Funds awarded to any eligible young adult under this program are in addition to any other services or funds provided to the young adult by the department through transitional support services or aftercare services its independent living transition services.~~

~~g.h. The department shall provide information concerning young adults receiving funding through the Road-to-Independence Program Scholarship to the Department of Education for inclusion in the student financial assistance database, as provided in s. 1009.94.~~

~~h.i. Scholarship Funds are intended to help eligible young adults students who are former foster children in this state to receive the educational and vocational training needed to become independent and self-supporting. The funds shall be terminated when the young adult has attained one of four postsecondary goals under subsection (3) or reaches 23 years of age, whichever occurs earlier. In order to initiate postsecondary education, to allow for a change in career goal, or to obtain additional skills in the same educational or vocational area, a young adult may earn no more than two diplomas, certificates, or credentials. A young adult attaining an associate of arts or associate of science degree shall be permitted to work toward completion of a bachelor of arts or a bachelor of science degree or an equivalent undergraduate degree. Road-to-Independence Program Scholarship funds may not be used for education or training after a young adult has attained a bachelor of arts or a bachelor of science degree or an equivalent undergraduate degree.~~

~~i.j. The department shall evaluate and renew each award annually during the 90-day period before the young adult's birthday. In order to~~

be eligible for a renewal award for the subsequent year, the young adult must:

(I) Complete the number of hours, or the equivalent considered full time by the educational institution, *unless that young adult has a recognized disability preventing full-time attendance*, in the last academic year in which the young adult earned an award ~~a scholarship~~, except for a young adult who meets the requirements of s. 1009.41.

(II) Maintain appropriate progress as required by the educational institution, except that, if the young adult's progress is insufficient to renew the ~~award scholarship~~ at any time during the eligibility period, the young adult may restore eligibility by improving his or her progress to the required level.

~~j.k. Scholarship Funds may be terminated during the interim between an award and the evaluation for a renewal award if the department determines that the award recipient is no longer enrolled in an educational institution as defined in sub-subparagraph 2.d., or is no longer a state resident. The department shall notify a recipient student who is terminated and inform the recipient student of his or her right to appeal.~~

~~k.l. An award recipient who does not qualify for a renewal award or who chooses not to renew the award may subsequently apply for reinstatement. An application for reinstatement must be made before the young adult reaches 23 years of age, and a student may not apply for reinstatement more than once. In order to be eligible for reinstatement, the young adult must meet the eligibility criteria and the criteria for award renewal for the scholarship program.~~

(c) Transitional support services.—

1. In addition to any services provided through aftercare support or the Road-to-Independence Program ~~Scholarship~~, a young adult formerly in foster care may receive other appropriate short-term *funding and services*, which may include financial, housing, counseling, employment, education, mental health, disability, and other services, if the young adult demonstrates that the services are critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system.

2. A young adult formerly in foster care is eligible to apply for transitional support services if he or she has reached 18 years of age but is not yet 23 years of age, was a dependent child pursuant to chapter 39, was living in licensed foster care or in subsidized independent living at the time of his or her 18th birthday, and had spent at least 6 months living in foster care before that date.

3. If at any time the services are no longer critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system, they shall be terminated.

(d) Payment of aftercare, Road-to-Independence Program ~~scholarship~~, or transitional support funds.—

1. Payment of aftercare, Road-to-Independence Program ~~scholarship~~, or transitional support funds shall be made directly to the recipient unless the recipient requests in writing to the community-based care lead agency, or the department, that the payments or a portion of the payments be made directly on the recipient's behalf in order to secure services such as housing, counseling, education, or employment training as part of the young adult's own efforts to achieve self-sufficiency.

2. *After the completion of aftercare support services that satisfy the requirements of sub-subparagraph (a)1.h., payment of awards under the Road-to-Independence Program shall be made by direct deposit to the recipient, unless the recipient requests in writing to the community-based care lead agency or the department that:*

- a. The payments be made directly to the recipient by check or warrant;*
- b. The payments or a portion of the payments be made directly on the recipient's behalf to institutions the recipient is attending to maintain eligibility under this section; or*
- c. The payments be made on a two-party check to a business or landlord for a legitimate expense, whether reimbursed or not. A legitimate expense for the purposes of this sub-subparagraph shall include automo-*

bile repair or maintenance expenses; educational, job, or training expenses; and costs incurred, except legal costs, fines, or penalties, when applying for or executing a rental agreement for the purposes of securing a home or residence.

3. *The community-based care lead agency may purchase housing, transportation, or employment services to ensure the availability and affordability of specific transitional services thereby allowing an eligible young adult to utilize these services in lieu of receiving a direct payment. Prior to purchasing such services, the community-based care lead agency must have a plan approved by the department describing the services to be purchased, the rationale for purchasing the services, and a specific range of expenses for each service that is less than the cost of purchasing the service by an individual young adult. The plan must include a description of the transition of a young adult using these services into independence and a timeframe for achievement of independence. An eligible young adult who prefers a direct payment shall receive such payment. The plan must be reviewed annually and evaluated for cost-efficiency and for effectiveness in assisting young adults in achieving independence, preventing homelessness among young adults, and enabling young adults to earn a living wage in a permanent employment situation.*

4. The young adult who resides with a foster family may not be included as a child in calculating any licensing restriction on the number of children in the foster home.

(e) Appeals process.—

1. The Department of Children and Family Services shall adopt by rule a procedure by which a young adult may appeal an eligibility determination or the department's failure to provide aftercare, Road-to-Independence Program ~~scholarship~~, or transitional support services, or the termination of such services, if such funds are available.

2. The procedure developed by the department must be readily available to young adults, must provide timely decisions, and must provide for an appeal to the Secretary of Children and Family Services. The decision of the secretary constitutes final agency action and is reviewable by the court as provided in s. 120.68.

(6) ACCOUNTABILITY.—The department shall develop outcome measures for the program and other performance measures *in order to maintain oversight of the program. The department shall report on the outcome measures and the department's oversight activities in a report to the Legislature. The report must be prepared and submitted to the committees of jurisdiction for issues relating to children and families in the Senate and House of Representatives no later than January 31 of each year. The report must include:*

(a) An analysis of performance on outcome measures developed under this section and reported for each community-based care lead agency and compared with the performance of the department on the same measures;

(b) A description of the department's oversight of the program including, by lead agency, any programmatic or fiscal deficiencies found, corrective actions required, and current status of compliance; and

(c) Any rules adopted or proposed under the authority of this section since the last report. For the purposes of the first report, any rules adopted or proposed under the authority of this section must be included.

(7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The Secretary of Children and Family Services shall establish the Independent Living Services Advisory Council for the purpose of reviewing and making recommendations concerning the implementation and operation of the independent living transition services. This advisory council shall continue to function as specified in this subsection until the Legislature determines that the advisory council can no longer provide a valuable contribution to the department's efforts to achieve the goals of the independent living transition services.

(a) Specifically, the advisory council shall assess the implementation and operation of the system of independent living transition services and advise the department on actions that would improve the ability of the independent living transition services to meet the established goals. The advisory council shall keep the department informed of problems being experienced with the services, barriers to the effective and efficient integration of services and support across systems, and successes that the system of independent living transition services has achieved. The

department shall consider, but is not required to implement, the recommendations of the advisory council.

(b) The advisory council shall report to the appropriate substantive committees of the Senate and the House of Representatives on the status of the implementation of the system of independent living transition services; efforts to publicize the availability of aftercare support services, the Road-to-Independence Scholarship Program, and transitional support services; ~~specific barriers to financial aid created by the scholarship and possible solutions~~; the success of the services; problems identified; recommendations for department or legislative action; and the department's implementation of the recommendations contained in the Independent Living Services Integration Workgroup Report submitted to the Senate and the House substantive committees December 31, 2002. This advisory council report shall be submitted by December 31 of each year that the council is in existence and shall be accompanied by a report from the department which identifies the recommendations of the advisory council and either describes the department's actions to implement these recommendations or provides the department's rationale for not implementing the recommendations.

(c) Members of the advisory council shall be appointed by the secretary of the department. The membership of the advisory council must include, at a minimum, representatives from the headquarters and district offices of the Department of Children and Family Services, community-based care lead agencies, the Agency for Workforce Innovation, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., the Statewide Guardian Ad Litem Office, foster parents, recipients of Road-to-Independence Program funding, and advocates for foster children. The secretary shall determine the length of the term to be served by each member appointed to the advisory council, which may not exceed 4 years.

(d) *The Department of Children and Family Services shall provide administrative support to the Independent Living Services Advisory Council to accomplish its assigned tasks. The advisory council shall be afforded access to all appropriate data from the department, each community-based care lead agency, and other relevant agencies in order to accomplish the tasks set forth in this section. The data collected may not include any information that would identify a specific child or young adult.*

(8) **PERSONAL PROPERTY.**—Property acquired on behalf of clients of this program shall become the personal property of the clients and is not subject to the requirements of chapter 273 relating to state-owned tangible personal property. Such property continues to be subject to applicable federal laws.

(9) **MEDICAL ASSISTANCE FOR YOUNG ADULTS FORMERLY IN FOSTER CARE.**—The department shall enroll in the Florida KidCare program, outside the open enrollment period, each young adult who is eligible as described in paragraph (2)(b) and who has not yet reached his or her 19th birthday.

(a) A young adult who was formerly in foster care at the time of his or her 18th birthday and who is 18 years of age but not yet 19, shall pay the premium for the Florida KidCare program as required in s. 409.814.

(b) A young adult who has health insurance coverage from a third party through his or her employer or who is eligible for Medicaid is not eligible for enrollment under this subsection.

(10) **RULEMAKING.**—The department shall adopt by rule procedures to administer this section, including balancing the goals of normalcy and safety for the youth and providing the caregivers with as much flexibility as possible to enable the youth to participate in normal life experiences. The department shall not adopt rules relating to reductions in scholarship awards. The department shall engage in appropriate planning to prevent, to the extent possible, a reduction in scholarship awards after issuance.

Section 2. Subsection (2) of section 39.013, Florida Statutes, is amended to read:

39.013 Procedures and jurisdiction; right to counsel.—

(2) The circuit court shall have exclusive original jurisdiction of all proceedings under this chapter, of a child voluntarily placed with a

licensed child-caring agency, a licensed child-placing agency, or the department, and of the adoption of children whose parental rights have been terminated under this chapter. Jurisdiction attaches when the initial shelter petition, dependency petition, or termination of parental rights petition is filed or when a child is taken into the custody of the department. The circuit court may assume jurisdiction over any such proceeding regardless of whether the child was in the physical custody of both parents, was in the sole legal or physical custody of only one parent, caregiver, or some other person, or was in the physical or legal custody of no person when the event or condition occurred that brought the child to the attention of the court. When the court obtains jurisdiction of any child who has been found to be dependent, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 18 years of age. However, if a youth petitions the court at any time before his or her 19th birthday requesting the court's continued jurisdiction, the juvenile court may retain jurisdiction under this chapter for a period not to exceed 1 year following the youth's 18th birthday for the purpose of determining whether appropriate aftercare support, Road-to-Independence Program Scholarship, transitional support, mental health, and developmental disability services, to the extent otherwise authorized by law, have been provided to the formerly dependent child who was in the legal custody of the department immediately before his or her 18th birthday. If a petition for special immigrant juvenile status and an application for adjustment of status have been filed on behalf of a foster child and the petition and application have not been granted by the time the child reaches 18 years of age, the court may retain jurisdiction over the dependency case solely for the purpose of allowing the continued consideration of the petition and application by federal authorities. Review hearings for the child shall be set solely for the purpose of determining the status of the petition and application. The court's jurisdiction terminates upon the final decision of the federal authorities. Retention of jurisdiction in this instance does not affect the services available to a young adult under s. 409.1451. The court may not retain jurisdiction of the case after the immigrant child's 22nd birthday.

Section 3. Paragraph (a) of subsection (6) of section 39.701, Florida Statutes, is amended to read:

39.701 Judicial review.—

(6)(a) In addition to paragraphs (1)(a) and (2)(a), the court shall hold a judicial review hearing within 90 days after a youth's 17th birthday. *The court shall also issue an order, separate from the order on judicial review, that the disabilities of nonage of the youth have been removed pursuant to s. 743.045. The court and shall continue to hold timely judicial review hearings thereafter.* In addition, the court may review the status of the child more frequently during the year prior to the youth's 18th birthday if necessary. At each review held under this subsection, in addition to any information or report provided to the court, the foster parent, legal custodian, guardian ad litem, and the child shall be given the opportunity to address the court with any information relevant to the child's best interests, particularly as it relates to independent living transition services. In addition to any information or report provided to the court, the department shall include in its judicial review social study report written verification that the child:

1. Has been provided with a current Medicaid card and has been provided all necessary information concerning the Medicaid program sufficient to prepare the youth to apply for coverage upon reaching age 18, if such application would be appropriate.

2. Has been provided with a certified copy of his or her birth certificate and, if the child does not have a valid driver's license, a Florida identification card issued under s. 322.051.

3. Has been provided information relating to Social Security Insurance benefits if the child is eligible for these benefits. If the child has received these benefits and they are being held in trust for the child, a full accounting of those funds must be provided and the child must be informed about how to access those funds.

4. Has been provided with information and training related to budgeting skills, interviewing skills, and parenting skills.

5. Has been provided with all relevant information related to the Road-to-Independence Program Scholarship, including, but not limited to, eligibility requirements, forms necessary to apply, and assistance in completing the forms. The child shall also be informed that, if he or she is eligible for the Road-to-Independence Scholarship Program, he or she

may reside with the licensed foster family or group care provider with whom the child was residing at the time of attaining his or her 18th birthday or may reside in another licensed foster home or with a group care provider arranged by the department.

6. Has an open bank account, or has identification necessary to open an account, and has been provided with essential banking skills.

7. Has been provided with information on public assistance and how to apply.

8. Has been provided a clear understanding of where he or she will be living on his or her 18th birthday, how living expenses will be paid, and what educational program or school he or she will be enrolled in.

9. Has been provided with notice of the youth's right to petition for the court's continuing jurisdiction for 1 year after the youth's 18th birthday as specified in s. 39.013(2) and with information on how to obtain access to the court.

10. Has been encouraged to attend all judicial review hearings occurring after his or her 17th birthday.

Section 4. Paragraph (c) of subsection (2) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—

(2) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides postsecondary career programs, community college, or state university:

(c) A student who the state has determined is eligible for the Road-to-Independence Program Scholarship, regardless of whether an award is issued or not, or a student who is or was at the time he or she reached 18 years of age in the custody of a relative under s. 39.5085, or who is adopted from the Department of Children and Family Services after May 5, 1997. Such exemption includes fees associated with enrollment in career-preparatory instruction and completion of the college-level communication and computation skills testing program. Such an exemption is available to any student who was in the custody of a relative under s. 39.5085 at the time he or she reached 18 years of age or was adopted from the Department of Children and Family Services after May 5, 1997; however, the exemption remains valid for no more than 4 years after the date of graduation from high school.

Section 5. Section 743.045, Florida Statutes, is created to read:

743.045 Removal of disabilities of minors; executing contracts for a residential lease.—For the sole purpose of ensuring that youth in foster care will be able to execute a contract for the lease of residential property in order that the youth may move into the leased residential property on the day of the youth's 18th birthday, the disability of nonage of minors is removed for all youth who have reached the age of 17 years, who have been adjudicated dependent, and who are in the legal custody of the Department of Children and Family Services through foster care or subsidized independent living. These youth are authorized to make and execute contracts, releases, and all other instruments necessary for the purpose of entering into a contract for the lease of residential property upon the youth's 18th birthday. The contracts or other instruments made by the youth shall have the same effect as though they were the obligations of persons who were not minors. Youth seeking to enter into such lease contracts or execute other necessary instruments that are incidental to entering into a lease must present an order from a court of competent jurisdiction removing the disabilities of nonage of the minor under this section.

Section 6. Subsection (4) of section 409.903, Florida Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.—The agency shall make payments for medical assistance and related services on behalf of the following persons who the department, or the Social Security Administration by contract with the Department of Children and Family Services, determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(4) A child who is eligible under Title IV-E of the Social Security Act for subsidized board payments, foster care, or adoption subsidies, and a child for whom the state has assumed temporary or permanent responsibility and who does not qualify for Title IV-E assistance but is in foster care, shelter or emergency shelter care, or subsidized adoption. *This category includes any young adult who is eligible to receive services under s. 409.1451(5), until the young adult reaches the age of 20, without regard to any income, resource, or categorical eligibility test that is otherwise required.* This category also includes a person who, as a child who was eligible under Title IV-E of the Social Security Act for foster care or the state-provided foster care, ~~who exited foster care due to attaining the age of 18 years; and who is a participant in the has been awarded a Road-to-Independence Program Scholarship.~~

Section 7. *The sum of \$2,802,522 of recurring funds is appropriated from the General Revenue Fund and the sum of \$3,994,766 of recurring funds is appropriated from the Medical Care Trust Fund to the Agency for Health Care Administration for the purpose of expanding medical assistance payments to young adults, until the young adult reaches the age of 20, during the 2006-2007 fiscal year.*

Section 8. This act shall take effect July 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to independent living transition services; amending s. 409.1451, F.S.; revising eligibility requirements for certain young adults; revising duties of the Department of Children and Family Services regarding independent living transition services; including additional parties in the review of a child's academic performance; requiring the department or a community-based care lead agency under contract with the department to develop a plan for delivery of such services; revising provisions governing life skills services; requiring that the department or provider work with the child to develop a joint transition plan; requiring judicial review of the plan; requiring additional aftercare support services; providing additional qualifications to receive an award under the Road-to-Independence Program; deleting certain time restrictions for submitting applications; providing procedures for the payment of awards; requiring a community-based care lead agency to develop a plan for purchase and delivery of such services and requiring department approval prior to implementation; requiring the department to submit a report annually to the Legislature on performance, oversight, and rule development; permitting the Independent Living Services Advisory Council to have access to certain data held by the department and certain agencies; amending ss. 39.013 and 1009.25, F.S.; conforming references to changes made by the act; amending s. 39.701, F.S.; requiring the court to issue an order, separate from any other judicial review order, that the disabilities of nonage of the youth have been removed from the youth in foster care; creating s. 743.045, F.S.; removing the disability of nonage for certain youth in the legal custody of the Department of Children and Family Services who are in foster care to enable the youth to execute a contract for the lease of residential property in order that the youth may move into the leased residential property on the day of the youth's 18th birthday; providing specified eligibility criteria; providing for the validity of the contracts; requiring the youth to present an order from a court of competent jurisdiction removing the disability of nonage; amending s. 409.903, F.S.; providing eligibility criteria for certain persons for medical assistance payments; providing an appropriation; providing an effective date.

Pursuant to Rule 4.19, **HB 7173** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett, by two-thirds vote **HB 7009** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Bennett—

HB 7009—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding local government managers; amending s. 119.071, F.S.; narrowing the public records exemption for personal identifying information of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district with specified duties and the

spouses and children of such personnel; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 662** and read the second time by title.

Pursuant to Rule 4.19, **HB 7009** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1306** was deferred.

On motion by Senator Saunders—

CS for SB 2558—A bill to be entitled An act relating to interscholastic athletics; requiring the Florida High School Athletic Association to hold certain bylaws in abeyance; providing for creation of a task force to review student athlete recruiting issues; providing for task force membership and duties; requiring recommendations to the Governor and the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of recruiting violations by Florida High School Athletic Association member schools; providing an appropriation; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2558** to **HB 7119**.

Pending further consideration of **CS for SB 2558** as amended, on motion by Senator Saunders, by two-thirds vote **HB 7119** was withdrawn from the Committee on Education.

On motion by Senator Saunders, the rules were waived and—

HB 7119—A bill to be entitled An act relating to interscholastic athletics; requiring the Florida High School Athletic Association to hold certain bylaws in abeyance; providing for creation of a task force to review student athlete recruiting issues; providing for task force membership and duties; requiring recommendations to the Governor and the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review of recruiting violations by Florida High School Athletic Association member schools; providing an appropriation; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to facilitate a 1-year drug testing program to randomly test for anabolic steroid use by students in grades 9 through 12 who participate in postseason competition in football, baseball, girls' softball, and weightlifting in its member schools; requiring schools to consent to the provisions of the program as a prerequisite for membership in the organization; requiring the organization to establish procedures for the conduct of the program, including contracting with a testing agency to administer the program; providing that the finding of a drug test shall be separate from a student's educational records; providing for disclosure; requiring students and their parents to consent to the provisions of the program as a prerequisite for eligibility to participate in interscholastic athletics; providing penalties for students selected for testing who fail to provide a specimen; requiring the administration of a school to meet with a student who tests positive and his or her parent to review the finding, penalties, and procedure for challenge and appeal; providing penalties for positive findings; providing due process procedures for challenge and appeal; requiring the organization to provide a report to the Legislature on the results of the program; providing an exemption from civil liability resulting from implementation of the program; requiring the Department of Legal Affairs to provide defense in claims of civil liability; requiring program expenses to be paid through legislative appropriation; providing for expiration of the program; providing an effective date.

—a companion measure, was substituted for **CS for SB 2558** as amended and read the second time by title.

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (400650)(with title amendment)—Lines 111-279, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

Lines 12-42, delete those lines and insert: providing an effective date.

Pursuant to Rule 4.19, **HB 7119** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2084** was deferred.

On motion by Senator Bennett, by two-thirds vote **HB 7011** was withdrawn from the Committees on Community Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Bennett—

HB 7011—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding code enforcement officers; amending s. 119.071, F.S.; narrowing the public records exemption for personal identifying information of current and former code enforcement officers and the spouses and children of such officers; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

—a companion measure, was substituted for **CS for SB 664** and read the second time by title.

Pursuant to Rule 4.19, **HB 7011** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lawson, by two-thirds vote **HB 795** was withdrawn from the Committees on Education; and Education Appropriations.

On motion by Senator Lawson, the rules were waived and—

HB 795—A bill to be entitled An act relating to student financial assistance; creating s. 1009.701, F.S.; creating the First Generation Matching Grant Program to provide financial aid to undergraduate students with financial need whose parents have not earned a baccalaureate degree; providing for appropriation, allocation, and distribution of funds; providing student eligibility requirements; providing the basis for the amount of awards; providing duties of institutions participating in the program; creating s. 1009.255, F.S.; providing an out-of-state fee exemption; providing eligibility criteria; providing for distribution of the exemption; limiting participation in the program; requiring the Department of Education to administer the exemption program; prohibiting use of the exemption for certain purposes; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1750** and read the second time by title.

Senator Lawson moved the following amendment which was adopted:

Amendment 1 (433840)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 1009.701, Florida Statutes, is created to read:

1009.701 First Generation Matching Grant Program.—

(1) *The First Generation Matching Grant Program is created to enable each state university to provide donors with a matching grant incentive for contributions that will create grant-based student financial aid for undergraduate students who demonstrate financial need and whose parents, as defined in s. 1009.21(1), have not earned a baccalaureate degree. In the case of any individual who regularly resided with and received support from only one parent, an individual whose only such parent did not complete a baccalaureate degree would also be eligible.*

(2) *Funds appropriated by the Legislature for the program shall be allocated by the Office of Student Financial Assistance to match private contributions on a dollar-for-dollar basis. Contributions made to a state university and pledged for the purposes of this section are eligible for*

state matching funds appropriated for this program and are not eligible for any other state matching grant program. Pledged contributions are not eligible for matching prior to the actual collection of the total funds. The Office of Student Financial Assistance shall reserve a proportionate allocation of the total appropriated funds for each state university on the basis of full-time equivalent enrollment. Funds that remain unmatched as of December 1 shall be reallocated to state universities that have remaining unmatched private contributions for the program on the basis of full-time equivalent enrollment.

(3) Payment of the state matching grant shall be transmitted to the president of each participating institution or his or her representative in advance of the official drop-add deadline as defined by the institution.

(4) Each participating state university shall establish an application process, determine student eligibility for initial and renewal awards in conformance with subsection (5), identify the amount awarded to each recipient, and notify recipients of the amount of their awards.

(5) In order to be eligible to receive a grant pursuant to this section, an applicant must:

(a) Be a resident for tuition purposes pursuant to s. 1009.21.

(b) Be a first-generation college student. For the purposes of this section, a student is considered "first generation" if neither of the student's parents, as defined in s. 1009.21(1), earned a college degree at the baccalaureate level or higher or, in the case of any individual who regularly resided with and received support from only one parent, if that parent did not earn a baccalaureate degree.

(c) Be accepted at a state university.

(d) Be enrolled for a minimum of six credit hours per term as a degree-seeking undergraduate student.

(e) Have demonstrated financial need by completing the Free Application for Federal Student Aid.

(f) Meet additional eligibility requirements as established by the institution.

(6) The award amount shall be based on the student's need assessment after any scholarship or grant aid, including, but not limited to, a Pell Grant or a Bright Futures Scholarship, has been applied. An award may not exceed the institution's estimated annual cost of attendance for the student to attend the institution.

(7) Each participating institution shall report to the Office of Student Financial Assistance by the date established by the office the eligible students to whom grant moneys are disbursed each academic term. Each institution shall certify to the Office of Student Financial Assistance the amount of funds disbursed to each student and shall remit to the office any undisbursed advances by June 1 of each year.

(8) No later than July 1, each participating institution shall annually report to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Board of Governors, the eligibility requirements for recipients, the aggregate demographics of recipients, the retention and graduation rates of recipients, and a delinquent of funds awarded to recipients.

(9) This section shall be implemented only as specifically funded.

Section 2. For the 2006-2007 fiscal year, the recurring sum of \$6.5 million from the General Revenue Fund is appropriated to the Department of Education for the First Generation Matching Grant Program pursuant to this act.

Section 3. Section 1009.892, Florida Statutes, is created to read:

1009.892 Cost of attendance; adult norm-referenced testing.—

(1) A public or private postsecondary institution shall include in its cost of attendance adult norm-referenced testing that it requires for eligible students to qualify for accommodations for disabilities.

(2) To be eligible, a student must be a legal resident of this state, as defined in s. 1009.21; must be enrolled in at least 6 semester hours, or the equivalent, per term in a degree, certificate, or diploma program; and

must have documented learning disabilities under the Individuals with Disabilities Education Improvement Act of 2004 or the Americans with Disabilities Act of 1990.

Section 4. This act shall take effect July 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to student financial assistance; creating s. 1009.701, F.S.; creating the First Generation Matching Grant Program to provide financial aid to undergraduate students of a state university who have a financial need and whose parents have not earned a baccalaureate degree; providing for the appropriation, allocation, and distribution of funds; providing student eligibility requirements; providing duties of institutions participating in the program; providing an appropriation; creating s. 1009.892, F.S.; requiring postsecondary institutions to include certain testing costs in the costs of attendance; providing an effective date.

Pursuant to Rule 4.19, **HB 795** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Alexander, by two-thirds vote **HB 1237** was withdrawn from the Committees on Education; Judiciary; and Ways and Means.

On motion by Senator Alexander, the rules were waived and—

HB 1237—A bill to be entitled An act relating to special postsecondary education programs; creating s. 1004.226, F.S.; creating the 21st Century Technology, Research, and Scholarship Enhancement Act; providing legislative findings and intent; providing definitions; creating the Florida Technology, Research, and Scholarship Board within the Board of Governors of the State University System; providing for members of the board; providing for terms; providing for board members to be reimbursed for per diem and expenses incurred in the performance of their duties; requiring that the Board of Governors of the State University System provide staff support and other support for the board; requiring that the board provide recommendations for the 21st Century World Class Scholars Program and the Centers of Excellence Program; authorizing the board to form committees and consult with certain other entities; providing for the 21st Century World Class Scholars Program to provide matching funds to state universities; providing guidelines for the board in the development of criteria for recommendation to the Board of Governors; requiring a minimum investment of funds; specifying the purposes of the Centers of Excellence; specifying entities eligible to submit proposals; requiring the board to recommend to the Board of Governors criteria for approving proposals to create or expand a Center of Excellence, to solicit proposals, and to recommend proposals that meet such criteria; requiring documentation if funds are approved for a Center of Excellence in excess of a specified amount; requiring reports by Centers of Excellence and the Board of Governors; providing for expiration of the act; creating s. 1004.635, F.S.; creating the State University System Research and Economic Development Investment Program to provide matching funds to institutions to construct and acquire facilities and equipment to support research programs and foster economic development; providing for administration by the Board of Governors of the State University System; specifying eligibility criteria for state university participation; providing for the matching of appropriated funds; providing appropriations; creating s. 1004.384, F.S.; authorizing a College of Medicine at the University of Central Florida; creating s. 1004.385, F.S.; authorizing a College of Medicine at Florida International University; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2084** and read the second time by title.

MOTION

On motion by Senator Alexander, the rules were waived to allow the following amendment to be considered:

Senator Alexander moved the following amendment:

Amendment 1 (963452)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 1004.226, Florida Statutes, is created to read:

1004.226 The 21st Century Technology, Research, and Scholarship Enhancement Act.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) *The Legislature finds that diversifying this state's economy requires a focus on building a growing base of high-wage jobs and on nurturing those technologies and clusters that will be the foundation of Florida's growing economic diversity and prosperity.*

(b) *The Legislature further finds that special programs are needed to facilitate the recruitment of exceptional talent to Florida's research universities and centers and to provide the infrastructure and resources that precipitate joint efforts and coinvestment among state research and development institutions, private industry, and government. Florida needs consistent commitment and investment in order to further the state's strategy of capitalizing on innovative research and development to build a thriving, technology-rich economy.*

(2) CREATION.—*The 21st Century Technology, Research, and Scholarship Enhancement Act is created for the purpose of:*

(a) *Investing in programs that attract world class scholars and building Centers of Excellence as an important means of increasing technology-based business in this state;*

(b) *Requiring coinvestment as a means of leveraging state dollars;*

(c) *Aligning research and development efforts with established, state-wide economic-development strategies, including an emphasis on identified economic clusters;*

(d) *Facilitating value-added job creation through continuous improvement in university research, as well as entrepreneurship and capital-development programs; and*

(e) *Establishing Florida as a leading state for entrepreneurship and innovation, with continued commitment to university Centers of Excellence and an expanding base of research and development.*

(3) DEFINITIONS.—*As used in this section, the term:*

(a) *"A 21st Century World Class Scholar" means a principal researcher/investigator who has high academic credentials, demonstrated competence, and experience that meets the requirements established by the board for a 21st Century World Class Scholar.*

(b) *"Applicant" means any state university, private university located in this state, or any private or public research center, community college, or training center in this state which coordinates with a state university for purposes of this act.*

(c) *"Board" means the Florida Technology, Research, and Scholarship Board.*

(d) *"Center of Excellence" means an organization of personnel, facilities, and equipment established to accomplish the purposes and objectives of this act.*

(e) *"Community college" means a public community college in this state as defined in s. 1000.21.*

(f) *"Private university" means a baccalaureate degree-granting independent nonprofit university that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools and that is located in and chartered as a domestic corporation by the state.*

(g) *"Research center" means an institute, center, or clinic that includes research and development or education as a principal mission of the organization.*

(h) *"State university" means a public university in this state as defined in s. 1000.21.*

(4) FLORIDA TECHNOLOGY, RESEARCH, AND SCHOLARSHIP BOARD.—*The Florida Technology, Research, and Scholarship Board is created within the Board of Governors of the State University System to*

guide the establishment of Centers of Excellence and the attraction of world class scholars.

(a) *The board shall consist of 11 members. Five members shall be appointed by the Governor, one of whom the Governor shall appoint as chair of the board, one of whom must be a member of the board of directors of Enterprise Florida, Inc., and one of whom must be a member of the Board of Governors of the State University System. Three members shall be appointed by the President of the Senate and three members shall be appointed by the Speaker of the House of Representatives. Appointed members must be representative of business leaders, industrial researchers, academic researchers, scientists, and leaders in the emerging and advanced technology sector. Appointed members may not serve for more than 4 years and any vacancy that occurs during these appointees' terms shall be filled in the same manner as the original appointment. A majority of members constitutes a quorum.*

(b) *Members of the board shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses in accordance with s. 112.061 while in the performance of their duties.*

(c) *The Board of Governors shall provide staff support for the activities of the board and per diem and travel expenses for board members.*

(d) *The board is charged with recommending criteria to the Board of Governors for the 21st Century World Class Scholars Program and with providing guidance to the Board of Governors regarding the implementation and administration of the Centers of Excellence Program. The board shall recommend to the Board of Governors the qualifications, standards, and requirements for approval of investments in Centers of Excellence under this act. The board may form committees of its members and is encouraged to consult with Enterprise Florida, Inc., the Florida Research Consortium, Bio-Florida, IT Florida, the Florida Aviation Aerospace Alliance, and any other entity whose input may be helpful in determining the requirements and standards for the program.*

(5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.—

(a) *This act allocates state matching funds to attract 21st Century World Class Scholars to state universities.*

(b) *The 21st Century World Class Scholars Program shall be used as a tool to develop the state's capabilities in science and high-technology research, emphasizing Florida's identified strengths in science and technology while also recognizing new technologies as they may emerge.*

(c) *The board, in consultation with senior administrators of state universities, state university foundation directors, the Office of Tourism, Trade, and Economic Development, the board of directors of Enterprise Florida, Inc., and leading members of private industry, shall develop and recommend to the Board of Governors criteria for the 21st Century World Class Scholars Program. Such criteria shall address, at a minimum, the following:*

1. *The presence of distinguished faculty members, including whether the university has a substantial history of external funding, along with the strong potential for attracting a scholar of national or international eminence.*

2. *The presence of academically outstanding students, along with the promise and potential for attracting additional highly qualified students.*

3. *The presence of adequate research and scholarly support services.*

4. *The existence of an academic environment having appropriate infrastructure, including buildings, classrooms, libraries, laboratories, and specialized equipment, that is conducive to the conduct of the highest quality of scholarship and research.*

5. *The demonstration of concordance with Florida's strategic plan for economic development or an emphasis on one or more emerging sciences or technologies that could favorably impact the state's economic future.*

(d) *A state university must raise a minimum of \$1 million to be eligible for state matching funds to recruit a 21st Century World Class Scholar. Funds raised by the university shall be eligible for a one-to-one match from the state. Revenues received from state appropriations, stu-*

dent tuition and fees, and state-funded contracts or grants are not eligible for state match.

(e) Upon the verification by the Board of Governors that a state university has met the criteria for a 21st Century World Class Scholar, the Board of Governors shall release matching funds to the university. Funds shall be used for the purpose of recruiting a 21st Century World Class Scholar and shall be expended according to an expenditure plan approved by the Board of Governors.

(f) This act is not intended to replace or obviate existing programs.

(6) **CENTERS OF EXCELLENCE.**—

(a) The purposes and objectives of a Center of Excellence include:

1. Identifying and pursuing opportunities for university scholars, research center scientists and engineers, and private businesses to form collaborative partnerships to foster and promote the research required to develop commercially promising, advanced, and innovative science and technology and to transfer those discoveries to commercial sectors.

2. Acquiring and leveraging public-sector and private-sector funding to provide the totality of funds, personnel, facilities, equipment, and other resources needed to support the research required to develop commercially promising, advanced, and innovative science and technology and to transfer those discoveries to commercial sectors.

3. Recruiting and retaining world class scholars, high-performing students, and leading scientists and engineers in technology disciplines to engage in research in this state and to develop commercially promising, advanced, and innovative science and technology.

4. Enhancing and expanding science and technology curricula and laboratory resources at universities and research centers in this state.

5. Increasing the number of high-performing students in science and technology disciplines who graduate from universities in this state and pursue careers in this state.

6. Stimulating and supporting the inception, growth, and diversification of science and technology-based businesses and ventures in Florida and increasing employment opportunities for the workforce needed to support such businesses.

(b) The following entities are eligible to submit proposals for a center of excellence:

1. Any state university.
2. Any private university.
3. The H. Lee Moffitt Cancer Center and Research Institute.
4. The Florida Institute for Human and Machine Cognition, Inc.
5. Any community college, training center, or other public or private research center in the state which coordinates with a state university for purposes of this act.

(c) The board shall recommend to the Board of Governors criteria for approving proposals to create or expand a Center of Excellence. Such criteria shall consider:

1. The maturity of the applicant's existing programs relating to a proposed Center of Excellence.
2. The comprehensiveness and effectiveness of site plans relating to a proposed Center of Excellence.
3. The existing amount of the applicant's resources dedicated to activities relating to a proposed Center of Excellence.
4. The regional economic structure and climate.
5. The degree to which the applicant identifies and seizes opportunities to collaborate with other public or private entities for research purposes.
6. The presence of a comprehensive performance and accountability measurement system.

7. The use of an integrated research and development strategy using multiple levels of the educational system.

8. The ability of the applicant to raise research funds and leverage public and private investment dollars to support advanced and emerging scientific and technological research and development projects.

9. The degree to which the applicant transfers advanced and emerging sciences and technologies from its laboratories to the commercial sector.

10. The degree to which the applicant stimulates and supports the creation of new ventures.

11. The existence of a plan to enhance academic curricula by improving communication between academia and industry.

12. The existence of a plan to increase the number, quality, and retention rate of faculty and graduate students in advancing and emerging science and technology-based disciplines.

13. The existence of a plan to increase the likelihood of faculty and graduate students pursuing private-sector careers in the state.

14. The ability of the applicant to provide capital facilities necessary to support research and development.

(d) To call for proposals, the board shall notify the president or chief executive officer of the eligible entities identified in paragraph (b). The board shall periodically solicit proposals for Centers of Excellence.

(e) The board shall recommend to the Board of Governors for approval and funding those proposals that meet the criteria approved by the Board of Governors.

(f) If no proposal is judged worthy of approval during a solicitation cycle, an approval need not be made. This act does not establish a limit for an investment amount; however, any approval for a single Center of Excellence exceeding \$20 million must be documented to have superior prospects for success in its field of research and offer outstanding opportunities to leverage state dollars.

(7) **ANNUAL REPORT.**—The board, in cooperation with the Board of Governors of the State University System and the state universities or research centers receiving investments under this act, shall issue an annual report by December 31 each year of the activities conducted, including the accomplishments and overall economic benefits to the state, the number of 21st Century World Class Scholars attracted, the number of Centers of Excellence created or expanded, the success of collaborations with related industries, and the success of these programs. The annual report shall be presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The annual report must include a copy of an independent audit of the board and a review of the progress of programs administered by the board.

Section 2. For the 2006-2007 fiscal year, the sum of \$100 million is appropriated from nonrecurring general revenue to the Board of Governors of the State University System, of which \$70 million shall be allocated for the 21st Century World Class Scholars Program and \$30 million for the Centers of Excellence Program. Notwithstanding s. 216.301 and pursuant to s. 216.351, Florida Statutes, any unexpended balance from this appropriation shall be carried forward at the end of each fiscal year until the 2009-2010 fiscal year. At the end of the 2009-2010 fiscal year, any remaining balance of this appropriation which has not been disbursed by the Board of Governors shall revert unallocated to the General Revenue Fund.

Section 3. Section 1004.226, Florida Statutes, shall expire on June 30, 2011.

Section 4. This act shall take effect July 1, 2006.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to advanced science and technology research; creating s. 1004.226, F.S.; creating the 21st Century Technology, Research, and Scholarship Enhancement Act; providing legislative findings and intent; providing definitions; creating the Florida Technology, Research, and Scholarship Board within the Board of Governors of the

State University System; providing for members of the board; providing for terms; providing for board members to be reimbursed for per diem and expenses incurred in the performance of their duties; requiring that the Board of Governors of the State University System provide staff support and other support for the board; requiring that the board provide recommendations for the 21st Century World Class Scholars Program and the Centers of Excellence Program; authorizing the board to form committees and consult with certain other entities; providing for the 21st Century World Class Scholars Program to provide matching funds to state universities to pay salaries and support research in science and technology; providing guidelines for the board to consider in developing its criteria for an award of matching funds; requiring a minimum investment of private funds; specifying the purposes of the Centers of Excellence; identifying the entities that are eligible to submit proposals for a center of excellence; requiring that the board develop criteria for approving proposals to create or expand a Center of Excellence; requiring that the board solicit proposals and notify state universities and research centers of a call for proposals; requiring that a Center of Excellence approved under the act report on its achievement of objectives; requiring certain documentation if funds are approved for a Center of Excellence in excess of a specified amount; requiring that the board submit an annual report to the Governor and Legislature; providing appropriations; providing for carrying forward certain unexpended balances of an appropriation; providing for the future repeal of the act; providing an effective date.

MOTION

On motion by Senator Constantine, the rules were waived to allow the following amendment to be considered:

Senators Constantine and Alexander offered the following amendment to **Amendment 1** which was moved by Senator Constantine and adopted:

Amendment 1A (151442)(with title amendment)—On page 10, between lines 18 and 19, insert:

Section 4. Section 1004.384, Florida Statutes, is created to read:

1004.384 University of Central Florida College of Medicine.—A college of medicine, as approved by the Board of Governors on March 23, 2006, is authorized at the University of Central Florida.

Section 5. Section 1004.385, Florida Statutes, is created to read:

1004.385 Florida International University College of Medicine.—A college of medicine, as approved by the Board of Governors on March 23, 2006, is authorized at Florida International University.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 12, line 11, after the semicolon (;) insert: creating s. 1004.384, F.S.; authorizing a college of medicine at the University of Central Florida; creating s. 1004.385, F.S.; authorizing a college of medicine at Florida International University;

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **HB 1237** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2380** was deferred.

On motion by Senator Diaz de la Portilla—

SB 490—A bill to be entitled An act relating to property tax administration; amending s. 195.096, F.S.; requiring that a county property appraiser forward a copy of the findings from the Department of Revenue regarding its review of the county tax assessment roll to the county commissioner or to the corresponding official under a consolidated charter; requiring that the copy include all statistical and analytical measures computed for the real property assessment roll as a whole, the personal property assessment roll as a whole, and the results of any audit of procedures used by the county to appraise property; requiring

that the copy include any value-weighted mean levels of assessment projected by the department for a county not studied in the current year; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendment which was moved by Senator Diaz de la Portilla and adopted:

Amendment 1 (794426)—On page 2, lines 14 and 15, delete those lines and insert: *and the House of Representatives committees with oversight responsibilities for taxation, and the appropriate property appraiser, Finance, Taxation, and Claims Committee; the House Finance and Taxation Committee; and the appropriate property appraiser*

MOTION

On motion by Senator Diaz de la Portilla, the rules were waived to allow the following amendment to be considered:

Senator Diaz de la Portilla moved the following amendment which was adopted:

Amendment 2 (730510)(with title amendment)—On page 2, lines 15-28, delete those lines and insert: Taxation Committee; and the appropriate property appraiser. *Upon releasing its findings, the department shall notify the chairperson of the appropriate county commission or the corresponding official under a consolidated charter that the department's findings are available upon request. The department shall, within 90 days after receiving a written request from the chairperson of the appropriate county commission or the corresponding official under a consolidated charter, forward a copy of its findings, including the confidence interval for the median and such other measures of each classification or subclassification studies and for all the roll as a whole, and related statistical and analytical details, to the requesting party.*

And the title is amended as follows:

On page 1, lines 3-19, delete those lines and insert: amending s. 195.096, F.S.; requiring the Department of Revenue to notify the county commissioner or the corresponding officer under a consolidation charter that its findings regarding the review of the county tax assessment roll are available upon request; requiring the Department of Revenue to forward its findings within 90 days after a request; providing an effective date.

Pursuant to Rule 4.19, **SB 490** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SB 186—A bill to be entitled An act relating to the postsentence testing of DNA evidence; amending s. 925.11, F.S.; revising the circumstances under which a person who has been sentenced for committing a felony may petition the court for postsentence testing of DNA evidence; abolishing certain time limitations imposed upon such testing; authorizing a governmental entity to dispose of physical evidence if the sentence imposed has expired and another law or rule does not require that the evidence be retained; providing for retroactive application; providing an effective date.

—was read the second time by title.

Senator Villalobos moved the following amendment which was adopted:

Amendment 1 (643784)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 925.11, Florida Statutes, is amended to read:

925.11 Postsentencing DNA testing.—

(1) PETITION FOR EXAMINATION.—

(a)1. A person who has been tried and found guilty of committing a felony crime and has been sentenced by a court established by the laws of this state may petition that court to order the examination of physical evidence collected at the time of the investigation of the crime for which

he or she has been sentenced which may contain DNA (deoxyribonucleic acid) and which would exonerate that person or mitigate the sentence that person received.

2. *A person who has entered a plea of guilty or nolo contendere to a felony prior to July 1, 2006, and has been sentenced by a court established by the laws of this state may petition that court to order the examination of physical evidence collected at the time of the investigation of the crime for which he or she has been sentenced that may contain DNA (deoxyribonucleic acid) and that would exonerate that person.*

(b) *A petition for postsentencing DNA testing under paragraph (a) may be filed or considered at any time following the date that the judgment and sentence in the case becomes final. Except as provided in subparagraph 2., a petition for postsentencing DNA testing may be filed or considered:*

1. ~~Within 4 years following the date that the judgment and sentence in the case becomes final if no direct appeal is taken, within 4 years following the date that the conviction is affirmed on direct appeal if an appeal is taken, within 4 years following the date that collateral counsel is appointed or retained subsequent to the conviction being affirmed on direct appeal in a capital case, or by October 1, 2005, whichever occurs later; or~~

2. ~~At any time if the facts on which the petition is predicated were unknown to the petitioner or the petitioner's attorney and could not have been ascertained by the exercise of due diligence.~~

(2) METHOD FOR SEEKING POSTSENTENCING DNA TESTING.—

(a) The petition for postsentencing DNA testing must be made under oath by the sentenced defendant and must include the following:

1. A statement of the facts relied on in support of the petition, including a description of the physical evidence containing DNA to be tested and, if known, the present location or the last known location of the evidence and how it was originally obtained;

2. A statement that the evidence was not previously tested for DNA or a statement that the results of any previous DNA testing were inconclusive and that subsequent scientific developments in DNA testing techniques would likely produce a definitive result *establishing that the petitioner is not the person who committed the crime*;

3. A statement that the sentenced defendant is innocent and how the DNA testing requested by the petition will exonerate the defendant of the crime for which the defendant was sentenced or will mitigate the sentence received by the defendant for that crime;

4. A statement that identification of the defendant is a genuinely disputed issue in the case, and why it is an issue;

5. Any other facts relevant to the petition; and

6. A certificate that a copy of the petition has been served on the prosecuting authority.

(b) Upon receiving the petition, the clerk of the court shall file it and deliver the court file to the assigned judge.

(c) The court shall review the petition and deny it if it is insufficient. If the petition is sufficient, the prosecuting authority shall be ordered to respond to the petition within 30 days.

(d) Upon receiving the response of the prosecuting authority, the court shall review the response and enter an order on the merits of the petition or set the petition for hearing.

(e) Counsel may be appointed to assist the sentenced defendant if the petition proceeds to a hearing and if the court determines that the assistance of counsel is necessary and makes the requisite finding of indigency.

(f) The court shall make the following findings when ruling on the petition:

1. Whether the sentenced defendant has shown that the physical evidence that may contain DNA still exists;

2. Whether the results of DNA testing of that physical evidence would be admissible at trial and whether there exists reliable proof to establish that the evidence has not been materially altered and would be admissible at a future hearing; and

3. Whether there is a reasonable probability that the sentenced defendant would have been acquitted or would have received a lesser sentence if the DNA evidence had been admitted at trial.

(g) If the court orders DNA testing of the physical evidence, the cost of such testing may be assessed against the sentenced defendant unless he or she is indigent. If the sentenced defendant is indigent, the state shall bear the cost of the DNA testing ordered by the court.

(h) Any DNA testing ordered by the court shall be carried out by the Department of Law Enforcement or its designee, as provided in s. 943.3251.

(i) The results of the DNA testing ordered by the court shall be provided to the court, the sentenced defendant, and the prosecuting authority.

(3) RIGHT TO APPEAL; REHEARING.—

(a) An appeal from the court's order on the petition for postsentencing DNA testing may be taken by any adversely affected party.

(b) An order denying relief shall include a statement that the sentenced defendant has the right to appeal within 30 days after the order denying relief is entered.

(c) The sentenced defendant may file a motion for rehearing of any order denying relief within 15 days after service of the order denying relief. The time for filing an appeal shall be tolled until an order on the motion for rehearing has been entered.

(d) The clerk of the court shall serve on all parties a copy of any order rendered with a certificate of service, including the date of service.

(4) PRESERVATION OF EVIDENCE.—

(a) Governmental entities that may be in possession of any physical evidence in the case, including, but not limited to, any investigating law enforcement agency, the clerk of the court, the prosecuting authority, or the Department of Law Enforcement shall maintain any physical evidence collected at the time of the crime for which a postsentencing testing of DNA may be requested.

(b) ~~Except for a case in which the death penalty is imposed, the evidence shall be maintained for at least the period of time set forth in subparagraph (1)(b).~~ In a case in which the death penalty is imposed, the evidence shall be maintained for 60 days after execution of the sentence. *In all other cases, a governmental entity may dispose of the physical evidence if the term of the sentence imposed in the case has expired and*

(c) ~~A governmental entity may dispose of the physical evidence before the expiration of the period of time set forth in paragraph (1)(b) if all of the conditions set forth below are met:~~

1. ~~The governmental entity notifies all of the following individuals of its intent to dispose of the evidence: the sentenced defendant, any counsel of record, the prosecuting authority, and the Attorney General.~~

2. ~~The notifying entity does not receive, within 90 days after sending the notification, either a copy of a petition for postsentencing DNA testing filed pursuant to this section or a request that the evidence not be destroyed because the sentenced defendant will be filing the petition before the time for filing it has expired.~~

3. ~~no other provision of law or rule requires that the physical evidence be preserved or retained.~~

Section 2. Section 925.12, Florida Statutes, is created to read:

925.12 DNA testing; defendants entering pleas.—

(1) *For defendants who have entered a plea of guilty or nolo contendere to a felony on or after July 1, 2006, a defendant may petition for*

postsentencing DNA testing under s. 925.11 under the following circumstances:

(a) *The facts on which the petition is predicated were unknown to the petitioner or the petitioner's attorney at the time the plea was entered and could not have been ascertained by the exercise of due diligence; or*

(b) *The physical evidence for which DNA testing is sought was not disclosed to the defense by the state prior to the entry of the plea by the petitioner.*

(2) *For defendants seeking to enter a plea of guilty or nolo contendere to a felony on or after July 1, 2006, the court shall inquire of the defendant and of counsel for the defendant and the state as to physical evidence containing DNA known to exist that could exonerate the defendant prior to accepting a plea of guilty or nolo contendere. If no physical evidence containing DNA that could exonerate the defendant is known to exist, the court may proceed with consideration of accepting the plea. If physical evidence containing DNA that could exonerate the defendant is known to exist, the court may postpone the proceeding on the defendant's behalf and order DNA testing upon motion of counsel specifying the physical evidence to be tested.*

(3) *It is the intent of the Legislature that the Supreme Court adopt rules of procedure consistent with this section for a court, prior to the acceptance of a plea, to make an inquiry into the following matters:*

(a) *Whether counsel for the defense has reviewed the discovery disclosed by the state and whether such discovery included a listing or description of physical items of evidence.*

(b) *Whether the nature of the evidence against the defendant disclosed through discovery has been reviewed with the defendant.*

(c) *Whether the defendant or counsel for the defendant is aware of any physical evidence disclosed by the state for which DNA testing may exonerate the defendant.*

(d) *Whether the state is aware of any physical evidence for which DNA testing may exonerate the defendant.*

(4) *It is the intent of the Legislature that the postponement of the proceedings by the court on the defendant's behalf under subsection (2) constitute an extension attributable to the defendant for purposes of the defendant's right to a speedy trial.*

Section 3. *Rule 3.853, Florida Rules of Criminal Procedure, is repealed to the extent it is inconsistent with this act.*

Section 4. This act shall take effect upon becoming a law and shall apply retroactively to October 1, 2005; but section 3 shall take effect only if this act is passed by the affirmative vote of two-thirds of the membership of each house of the Legislature.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the testing of DNA evidence; amending s. 925.11, F.S.; revising the circumstances under which a person who has been sentenced for committing a felony may petition the court for postsentencing testing of DNA evidence; abolishing certain time limitations imposed upon such testing; revising requirements regarding submittal and review of a petition; authorizing a governmental entity to dispose of physical evidence if the sentence imposed has expired and another law or rule does not require that the evidence be retained; creating s. 925.12, F.S.; providing for postsentencing DNA testing under specified circumstances; requiring a court to make specified inquiries of a defendant seeking to enter a plea of guilty or nolo contendere to a felony; providing legislative intent that the Supreme Court adopt certain rules; providing that a postponement for specified reasons be considered attributable to the defendant for speedy trial purposes; repealing a specified Florida Rule of Criminal Procedure; providing retroactive and certain contingent effect; providing effective dates.

On motion by Senator Villalobos, further consideration of **SB 186** as amended was deferred.

On motion by Senator Argenziano—

CS for SB 430—A bill to be entitled An act relating to hunting lands; creating s. 372.0025, F.S.; providing definitions; requiring certain lands owned, managed, or leased by the Fish and Wildlife Conservation Commission to be used for the purpose of hunting; requiring the commission to support, promote, and enhance hunting opportunities; requiring the commission to provide comparable acreage for any loss of existing hunting lands; requiring agencies and water management districts to allow certain lands to be used for the purpose of hunting; providing an exemption for lands designated as units within the state park system as determined by the Division of Recreation and Parks in the Department of Environmental Protection; requiring annual reports to the commission and Legislature; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 430** to **HB 265**.

Pending further consideration of **CS for SB 430** as amended, on motion by Senator Argenziano, by two-thirds vote **HB 265** was withdrawn from the Committees on Environmental Preservation; Judiciary; and General Government Appropriations.

On motion by Senator Argenziano—

HB 265—A bill to be entitled An act relating to hunting lands; creating s. 372.0025, F.S.; providing definitions; requiring certain lands owned, managed, or leased by the Fish and Wildlife Conservation Commission to be used for the purpose of hunting; requiring the commission to support, promote, and enhance hunting opportunities; requiring the commission to provide comparable acreage for any loss of existing hunting lands; providing requirements for location and use of replacement lands; requiring state agencies and water management districts to allow certain lands to be used for the purpose of hunting; providing an exemption for lands within the state park system; authorizing the Department of Environmental Protection to make certain determinations relating to such lands; requiring annual reports to the commission and Legislature; providing an effective date.

—a companion measure, was substituted for **CS for SB 430** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 265** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta, by two-thirds vote **HB 1369** was withdrawn from the Committees on Governmental Oversight and Productivity; General Government Appropriations; and Rules and Calendar.

On motion by Senator Sebesta—

HB 1369—A bill to be entitled An act relating to public records and public meetings; amending s. 119.071, F.S.; creating a temporary exemption from public records requirements for rejected bids and proposals received by a state agency if the agency reissues the invitation to bid or request for proposals; providing for review and repeal; providing a statement of public necessity; creating a temporary exemption from public records requirements for a competitive sealed reply in response to an invitation to negotiate; providing an extension of the temporary exemption if the agency reissues the invitation to negotiate; providing for review and repeal; providing a statement of public necessity; amending s. 286.0113, F.S.; creating an exemption from public meetings requirements for a meeting at which negotiation with a vendor is conducted; requiring a recording of the meeting; temporarily exempting the recording from disclosure; providing an extension of the temporary exemption under specified circumstances; providing for review and repeal; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 2316** and read the second time by title.

Pursuant to Rule 4.19, **HB 1369** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

SB 186—A bill to be entitled An act relating to the postsentence testing of DNA evidence; amending s. 925.11, F.S.; revising the circumstances under which a person who has been sentenced for committing a felony may petition the court for postsentence testing of DNA evidence; abolishing certain time limitations imposed upon such testing; authorizing a governmental entity to dispose of physical evidence if the sentence imposed has expired and another law or rule does not require that the evidence be retained; providing for retroactive application; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Villalobos, by two-thirds vote **HB 61** was withdrawn from the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

On motion by Senator Villalobos, the rules were waived and—

HB 61—A bill to be entitled An act relating to the testing of DNA evidence; amending s. 925.11, F.S.; revising the circumstances under which a person who has been sentenced for committing a felony may petition the court for postsentencing testing of DNA evidence; abolishing certain time limitations imposed upon such testing; revising requirements regarding submittal and review of a petition; authorizing a governmental entity to dispose of physical evidence if the sentence imposed has expired and another law or rule does not require that the evidence be retained; creating s. 925.12, F.S.; providing for postsentencing DNA testing under specified circumstances; requiring a court to make specified inquiries of a defendant seeking to enter a plea of guilty or nolo contendere to a felony; providing legislative intent that the Supreme Court adopt certain rules; providing that a postponement for specified reasons be considered attributable to the defendant for speedy trial purposes; repealing a specified Florida Rule of Criminal Procedure; providing retroactive and certain contingent effect; providing effective dates.

—a companion measure, was substituted for **SB 186** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 61** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster, by two-thirds vote **HB 7183** was withdrawn from the Committees on Community Affairs; Government Efficiency Appropriations; and Ways and Means.

On motion by Senator Webster—

HB 7183—A bill to be entitled An act relating to property tax exemptions; creating s. 196.1987, F.S.; exempting from ad valorem taxation certain property owned by an organization exempt from federal income taxes and used to display aspects of Biblical history; providing limitations; providing an effective date.

—a companion measure, was substituted for **SB 2676** and read the second time by title.

Pursuant to Rule 4.19, **HB 7183** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rich, by two-thirds vote **HB 241** was withdrawn from the Committees on Health Care; Health and Human Services Appropriations; and Ways and Means.

On motion by Senator Rich, by two-thirds vote—

HB 241—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.814, F.S.; providing for certain children who are ineligible to participate in the Florida KidCare program to be eligible for the Medikids program or the Florida Healthy Kids program; requiring that the Agency for Health Care Administration begin enrollment under the revised program criteria by a specified date; providing an effective date.

—a companion measure, was substituted for **SB 972** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **HB 241** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia, by two-thirds vote **HB 7061** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Garcia—

HB 7061—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding deferred presentment providers; amending s. 560.4041, F.S., which provides an exemption from public records requirements for information that identifies a drawer or a deferred presentment provider contained in the database for deferred presentment providers maintained by the Office of Financial Regulation of the Financial Services Commission; making clarifying and editorial changes; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 1584** and read the second time by title.

Pursuant to Rule 4.19, **HB 7061** was placed on the calendar of Bills on Third Reading.

On motion by Senator Argenziano—

CS for CS for SB 1874—A bill to be entitled An act relating to sewage treatment and disposal systems; amending s. 153.54, F.S.; requiring county commissions to include certain studies concerning the construction of a proposed new sewerage system or the extension of an existing sewerage system in certain reports; amending s. 153.73, F.S.; requiring county water and sewer districts to conduct certain studies concerning the construction of a new proposed sewerage system or the extension of an existing sewerage system prior to the adoption of certain resolutions or ordinances; amending s. 381.00655, F.S.; authorizing local governments or water and sewer districts responsible for the operation of a centralized sewage system to grant variances from connecting to a publicly owned or investor-owned sewerage system under certain circumstances; providing for construction; amending s. 381.0067, F.S.; authorizing the Department of Health or its agents to require repair or replacement of an existing sewage treatment and disposal system under certain circumstances; requiring the department or its agents to issue an order requiring an owner to repair or replace an onsite sewage treatment and disposal system under certain circumstances; providing for construction; amending s. 489.554, F.S.; increasing the annual continuing education requirements for septic tank contractors and master septic tank contractors; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 1874** to **HB 749**.

Pending further consideration of **CS for CS for SB 1874** as amended, on motion by Senator Argenziano, by two-thirds vote **HB 749** was withdrawn from the Committees on Community Affairs; and Health Care.

On motion by Senator Argenziano, the rules were waived and—

HB 749—A bill to be entitled An act relating to sewage treatment and disposal systems; amending s. 153.54, F.S.; requiring county commissions to include certain studies for the construction of a new proposed sewerage system or the extension of an existing sewerage system in certain reports; amending s. 153.73, F.S.; requiring county water and sewer districts to conduct certain studies for the construction of a new proposed sewerage system or the extension of an existing sewerage

system prior to the levying of certain assessments; amending s. 163.3180, F.S.; authorizing local governments to use certain onsite sewage treatment and disposal systems to meet certain concurrency requirements; amending s. 180.03, F.S.; requiring municipalities to conduct certain studies for the construction of a new proposed sewerage system or the extension of an existing sewerage system prior to the adoption of certain resolutions or ordinances; amending s. 381.00655, F.S.; authorizing local governments and certain water and sewer districts to grant variances from connecting to a publicly owned or investor-owned sewerage system under certain circumstances; providing construction; amending s. 381.0067, F.S.; authorizing the department or its agents to require repair or replacement of drainfields under certain circumstances; requiring the department or its agents to issue an order for the replacement of an onsite sewage treatment and disposal system under certain circumstances; providing construction; amending s. 489.554, F.S.; increasing annual continuing education requirements for septic tank contractors and master septic tank contractors; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1874** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 749** was placed on the calendar of Bills on Third Reading.

On motion by Senator Garcia, by two-thirds vote **HB 7049** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

On motion by Senator Garcia—

HB 7049—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Florida Surplus Lines Service Office; amending s. 626.921, F.S., which provides an exemption from public records requirements for information furnished to the Department of Financial Services by surplus lines agents, information contained in records of surplus lines agents subject to examination by the department, and information furnished to the Florida Surplus Lines Service Office under the Surplus Lines Law; making editorial changes; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 1586** and read the second time by title.

Pursuant to Rule 4.19, **HB 7049** was placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SJR 1918—A joint resolution proposing the revision of the whole State Constitution to correct spelling errors, punctuation errors, inconsistent use of capitalization, and other technical issues; to repeal obsolete provisions; to repeal portions of Article VI, section 4, which provide for term limits on certain federal officeholders and which have been held to be unconstitutional; to repeal Article X, section 1, which pertains to the ratification of amendments to the U.S. Constitution and has been held to be unconstitutional; to repeal Article X, section 5, which pertains to the property rights of married persons and authorizes dower and curtesy to be established by law; to repeal Article I, section 26, which pertains to a claimant's right to compensation in medical liability claims, and to provide for its codification as a statute; to repeal Article X, section 21, which pertains to the confinement of pregnant pigs, and to provide for its codification as a statute; to repeal Article X, section 25, which pertains to a patient's right to know about adverse medical incidents, and to provide for its codification as a statute; to repeal Article X, section 26, which pertains to a prohibition on having a medical license after repeated medical malpractice, and to provide for its codification as a statute; to prohibit the modification, repeal, or acts inconsistent with constitutional provisions codified as statutes, except upon a supermajority vote of both houses of the Legislature for a certain period of time; to correct the date by which the Taxation and Budget Reform Commission must file proposed constitutional amendments with the custodian of state records; and to provide for the incorporation of amendments adopted during the 2006 general election.

—was read the second time by title.

Senator Webster moved the following amendments which were adopted:

Amendment 1 (824588)—On page 29, lines 14-17, delete those lines and insert: ~~SECTION 18.—Conflict of interest.—A code of ethics for all state employees and nonjudicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.~~

(Redesignate subsequent sections.)

Amendment 2 (354922)—On page 42, line 28, delete “19(h)” and insert: ~~18(h) 19(h)~~

Amendment 3 (080660)—On page 74, line 31, delete “19(g)” and insert: ~~18(g) 19(g)~~

Amendment 4 (365516)—On page 111, line 14, delete “19(f)” and insert: ~~18(f) 19(f)~~

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendments to be considered:

Senator Webster moved the following amendments which were adopted:

Amendment 5 (890482)—On page 129, line 22, delete “12(d)” and insert: ~~10(d) 12(d)~~

Amendment 6 (554414)—On page 149, line 4, before the period (.) insert: ~~, notwithstanding Article V, section 15~~

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senators Webster, Campbell, and Klein offered the following amendment which was moved by Senator Campbell and adopted:

Amendment 7 (102388)(with title amendment)—On page 41, line 30 through page 42, line 8, delete those lines and insert:

SECTION 10. Attorney General.—

(a) The attorney general shall, as directed by general law, request the opinion of the justices of the supreme court as to the validity of any initiative petition circulated pursuant to *Article XI*, section 3 ~~of Article XI~~. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion no later than April 1 of the year in which the initiative is to be submitted to the voters pursuant to *Article XI*, section 5 ~~of Article XI~~.

(b) *The attorney general shall, if directed by general law, request the opinion of the justices of the supreme court as to the validity of any statutory initiative pursuant to Article III, section 19. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented.*

And the title is amended as follows:

On page 1, line 17, after the semicolon (;) insert: to require the attorney general, if directed by law, to request an advisory opinion from the Supreme Court on the validity of a statutory initiative;

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senators Webster, Campbell, and Klein offered the following amendment which was moved by Senator Webster and adopted:

Amendment 8 (472236)(with title amendment)—On page 34, line 13, insert:

SECTION 19. Statutory initiative.—*Notwithstanding section 1, the legislature shall prescribe a statutory initiative process by general law. The statutory initiative process is subject to conditions, limitations, and exceptions prescribed by the legislature. However, a statute originating as a statutory initiative may not be amended or repealed by the legislature for five years after its enactment, except upon a two-thirds vote of both houses of the legislature.*

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: to require the legislature to provide by law effective by July 1, 2008, for a process by which citizens may propose statutes;

MOTION

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

Senators Webster, Campbell, and Klein offered the following amendment which was moved by Senator Campbell and adopted:

Amendment 9 (150796)—On page 153, lines 11-25, delete those lines and insert:

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL REVISION

MULTIPLE ARTICLES

REPEAL OF OBSOLETE PROVISIONS; LEGISLATION BY STATUTORY INITIATIVE; PRESERVATION OF CONSTITUTIONAL PROVISIONS AS STATUTES.—Proposing a revision of the State Constitution to correct spelling errors, punctuation errors, and grammatical errors, repeal obsolete provisions, repeal provisions that violate the United States Constitution, and make technical changes; to correct an erroneous filing date in Article XI, section 6(e), which relates to the Taxation and Budget Reform Commission; to require the legislature to provide by law effective by July 1, 2008, for a statutory initiative process by which citizens may propose statutes; and to provide for the repeal of certain constitutional provisions and their preservation as statutes. The statutory initiative process and the repeal and preservation of certain constitutional provisions as statutes are described in detail below.

ARTICLE III, SECTION 19 and ARTICLE XII, SECTION 20

Statutory initiative and implementation.—Proposing the creation of new sections of the State Constitution to require the legislature to prescribe a process by law effective no later than July 1, 2008, by which citizens may propose statutes; to provide that the statutory initiative process is subject to conditions, limitations, and exceptions prescribed by the legislature; and to provide that a statute originating as a statutory initiative may not be amended or repealed by the legislature for five years after its adoption, except upon a two-thirds vote of both houses of the legislature.

ARTICLE XII, SECTION 8

Preservation of constitutional provisions as statutes.—Proposing to repeal the following provisions from the State Constitution, codify them in the Florida Statutes, and prohibit the Legislature from modifying, repealing, or acting inconsistently with those statutes until January 2, 2015, except upon a three-fourths vote of both houses of the Legislature:

ARTICLE I, SECTION 26

Claimant's right to fair compensation.—This provision provides that an injured claimant who enters into a contingency fee agreement with an attorney in a claim for medical liability is entitled to no less than 70 percent of the first \$250,000.00 in all damages received by the claimant, and 90 percent of damages in excess of \$250,000.00, exclusive of reasonable and customary costs and regardless of the number of defendants.

ARTICLE X, SECTION 21

Limiting cruel and inhumane confinement of pigs during pregnancy.—This provision makes it unlawful to confine a pig during pregnancy in a cage, crate or other enclosure, or tether a pregnant pig, on a farm

so that the pig is prevented from turning around freely, except for veterinary purposes and during the prebirthing period.

ARTICLE X, SECTION 25

Patients' right to know about adverse medical incidents.—This provision gives patients the right to review, upon request, records of health care facilities' or providers' adverse medical incidents, including those which could cause injury or death.

ARTICLE X, SECTION 26

Prohibition of medical license after repeated medical malpractice.—This provision prohibits medical doctors who have been found to have committed three or more incidents of medical malpractice from being licensed to practice medicine in Florida.

MOTION

On motion by Senator Klein, the rules were waived to allow the following amendment to be considered:

Senators Webster, Campbell and Klein offered the following amendment which was moved by Senator Klein and adopted:

Amendment 10 (524946)—On page 153, between lines 10 and 11, insert:

SECTION 20. Statutory initiative implementation.—*Legislation implementing Article III, section 19, must take effect no later than July 1, 2008.*

Pursuant to Rule 4.19, **CS for SJR 1918** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 661** was withdrawn from the Committees on Community Affairs; Transportation and Economic Development Appropriations; and Ways and Means.

On motion by Senator Diaz de la Portilla—

HB 661—A bill to be entitled An act relating to governmental services telephone systems; creating s. 365.180, F.S.; providing legislative findings; defining the term "coordinated 311 nonemergency and other governmental services telephone system"; authorizing the Department of Community Affairs to accept and administer funds to provide grants for certain governmental services telephone systems; authorizing counties and municipalities to apply for grants; requiring a county or municipality to provide matching funds; providing procedures for approval of grant awards; requiring approval by the Secretary of Community Affairs or appropriation by the Legislature; providing for certain limitations on grant funds amounts; requiring a report to the Governor and the Legislature detailing expenditures; authorizing the department to adopt rules; providing application evaluation criteria; providing grants may be awarded as appropriated or as made available from private sources; providing an effective date.

—a companion measure, was substituted for **CS for SB 1062** and read the second time by title.

Pursuant to Rule 4.19, **HB 661** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

The Senate resumed consideration of—

HB 147—A bill to be entitled An act relating to criminal prosecutions; creating s. 918.19, F.S.; prescribing rights of the prosecution in closing arguments; repealing Rule 3.250, Florida Rules of Criminal Procedure,

relating to the accused as a witness and being entitled to concluding arguments before the jury, to the extent of inconsistency with the act; providing an effective date.

—which was previously considered this day with a pending point of order by Senator Siplin.

POINT OF ORDER DISPOSITION

The pending point of order by Senator Siplin was withdrawn.

MOTION

On motion by Senator Siplin, the rules were waived to allow the following amendment to be considered:

Senators Siplin, Smith, Wise and Aronberg offered the following amendment which was moved by Senator Siplin and adopted by two-thirds vote:

Amendment 1 (891330)—Between lines 32 and 33, insert:

The method set forth in this section shall control unless the Supreme Court determines it is procedural and issues a substitute rule of criminal procedure.

MOTION

On motion by Senator Wise, the rules were waived to allow the following amendment to be considered:

Senator Wise moved the following amendment which was adopted by two-thirds vote:

Amendment 2 (054986)—On line 36, delete that line and insert:

Section 3. This act shall take effect October 1, 2006.

On motion by Senator Wise **HB 147** as amended was passed by the required constitutional two-thirds vote of the membership and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Diaz de la Portilla	Peaden
Alexander	Dockery	Posey
Aronberg	Fasano	Pruitt
Atwater	Geller	Rich
Baker	Haridopolos	Saunders
Bennett	Hill	Sebesta
Bullard	Jones	Siplin
Campbell	King	Smith
Carlton	Klein	Wilson
Clary	Lawson	Wise
Constantine	Margolis	
Crist	Miller	

Nays—None

Vote after roll call:

Yea—Argenziano, Garcia, Webster

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **CS for SB 1480**, **SB 1710** and **CS for SB 2616** were withdrawn from the Committee on Education Appropriations; **CS for SB 1512** was withdrawn from the Committee on General Government Appropriations; **CS for SB 2106** was withdrawn from the Committee on Governmental Oversight and Productivity; **CS for CS for SB 438** was withdrawn from the Committee on Health and Human Services Appropriations; and **CS for CS for SB 2266** and **SB 2622** were withdrawn from the Committee on Justice Appropriations.

MOTIONS

On motion by Senator Pruitt, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Wednesday, May 3.

On motion by Senator Pruitt, a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Wednesday, May 3.

MOTION TO RECONSIDER BILL

Senator King moved that the Senate reconsider the vote by which—

CS for CS for CS for SJR 2170—A joint resolution proposing the creation of Section 8 of Article IX of the State Constitution relating to education.

—failed to receive the required constitutional three-fifths vote of the membership May 1.

POINT OF ORDER

Senator Campbell raised a point of order that pursuant to Rule 6.4 during the last five (5) days of a regular session, the motion to reconsider a bill should be made and considered the same day.

The President referred the point of order to Senator Pruitt, Chair of the Committee on Rules and Calendar.

RULING ON POINT OF ORDER

On recommendation of Senator Pruitt, Chair of the Committee on Rules and Calendar, the President ruled the point not well taken.

The vote on the motion to reconsider was:

Yeas—22

Mr. President	Crist	Posey
Alexander	Diaz de la Portilla	Pruitt
Atwater	Dockery	Saunders
Baker	Fasano	Sebesta
Bennett	Garcia	Webster
Carlton	Haridopolos	Wise
Clary	King	
Constantine	Peaden	

Nays—17

Argenziano	Jones	Rich
Aronberg	Klein	Siplin
Bullard	Lawson	Smith
Campbell	Lynn	Villalobos
Geller	Margolis	Wilson
Hill	Miller	

On motion by Senator King, further consideration of **CS for CS for CS for SJR 2170** was deferred.

COMMUNICATION

The Honorable Tom Lee, President
The Florida Senate

May 2, 2006

Dear Mr. President:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of the Appropriations Conference Committee Report on **HB 5001** have been furnished to each member of the Legislature, each member of the Cabinet, the Governor, and the Chief Justice of the Supreme Court.

The House Clerk has certified that delivery was completed May 2, 2006 at 4:20 p.m.

Respectfully submitted,
Faye W. Blanton, Secretary

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, May 2, 2006: SJR 626, CS for SB 2168, CS for CS for SB 472, CS for SB 474, CS for SB 510, CS for CS for SB 132, SB 512, CS for CS for SB 2384, CS for SB 734, CS for CS for SB 1980, CS for SB 286, SM 1676, CS for SB 736, SB 1592, CS for CS for SB 282, CS for CS for SB 1632, CS for SB 1062, CS for CS for CS for SB 544, CS for CS for SB 2048, CS for SB 408, CS for CS for SB 2300, CS for SB 568, CS for SB 2406, CS for CS for SB 2062, CS for SB 2116, CS for SB 416, CS for CS for SB 2278, CS for SB 1174, CS for CS for CS for SB 1798, CS for SB 662, CS for CS for SB 1306, CS for SB 2558, CS for SB 664, CS for CS for SB 1750, SB 490, SB 186, CS for SB 430, CS for SB 2316, SB 2676, SB 972, CS for SB 1584, CS for CS for SB 1874, CS for SB 1586

Respectfully submitted,
Ken Pruitt, Chair

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed HB 421, HB 615, HB 761, HB 7063, HB 7089, HB 7105, HB 7115 and HB 7177; has passed as amended HB 69, HB 93, HB 113, HB 127, HB 135, HB 241, HB 371, HB 391, HB 415, HB 457, HB 471, HB 517, HB 595, HB 715, HB 755, HB 827, HB 841, HB 849, HB 911, HB 959, HB 1009, HB 1015, HB 1033, HB 1077, HB 1115, HB 1123, HB 1129, HB 1139, HB 1145, HB 1169, HB 1243, HB 1247, HB 1269, HB 1271, HB 1291, HB 1297, HB 1325, HB 1347, HB 1367, HB 1409, HB 1443, HB 1449, HB 1465, HB 1483, HB 1503, HB 1509, HB 1559, HB 1563, HB 1579, HB 1589, HB 1593, HB 1619, HB 1629, HB 5043, HB 7073, HB 7079, HB 7131, HB 7141, HB 7153, HB 7175 and HB 7199; has passed as amended by the required constitutional three-fifths vote of the membership HJR 353; has passed as amended by the required constitutional two-thirds vote of the members present HB 459, HB 605, HB 687, HB 1117, HB 1125 and HB 1451 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Reagan and others—

HB 421—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.031, F.S.; continuing an exemption from the tax on rental or license fees which is provided for certain property rented, leased, or licensed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility for a specified period; providing for future repeal; postponing the repeal of and reviving and readopting s. 212.031(10), F.S., relating to an exemption provided for certain charges imposed by a convention or exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility upon a lessee or licensee; providing for future repeal; amending s. 212.04, F.S., relating to the tax on admissions; continuing in effect a provision that excludes certain service charges from the sale price or actual value of an admission; continuing an exemption from the tax which is provided for admission charges to an event sponsored by a governmental entity, sports authority, or sports commission; providing for future repeal; continuing in effect provisions governing the remitting of certain admission taxes to the Department of Revenue; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; and Ways and Means.

By Representative Simmons and others—

HB 615—A bill to be entitled An act relating to professional sports franchises; amending s. 288.1162, F.S.; providing additional requirements with respect to certification as a facility for a new professional

sports franchise or a facility for a retained professional sports franchise; providing for repeal of the requirements by a specified date; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Representative Carroll and others—

HB 761—A bill to be entitled An act relating to trespass on the property of a certified domestic violence center; amending s. 810.09, F.S.; providing that a person commits a felony of the third degree if he or she trespasses on the property of a certified domestic violence center; providing a penalty; providing an effective date.

—was referred to the Committees on Criminal Justice; Children and Families; and Justice Appropriations.

By the Committee on Governmental Operations; and Representative Rivera—

HB 7063—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; amending s. 1004.445, F.S., which provides an exemption from public records requirements for personal identifying information relating to clients of programs created or funded through the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute and held by the institute, the University of South Florida, or the State Board of Education, medical or health records relating to patients held by the institute, materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, or proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the institute and business transactions resulting from such research, personal identifying information of a donor or prospective donor to the institute who wishes to remain anonymous, and any information received by the institute from a person from another state or nation or the Federal Government that is otherwise confidential or exempt pursuant to the laws of that state or nation or pursuant to federal law; narrowing the exemption; making editorial changes; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Tourism; and Representative Detert and others—

HB 7089—A bill to be entitled An act relating to facilities for retained spring training franchises; amending s. 212.20, F.S.; revising a limitation on certain distributions to certified facilities for a retained spring training franchise; deleting a provision entitling an applicant to receive certain distributions without additional certification; amending s. 288.1162, F.S.; requiring the Office of Tourism, Trade, and Economic Development to competitively evaluate applications for funding of certain additional facilities; providing application and certification requirements; specifying evaluation criteria; revising the number of certifications of such facilities; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By the Committee on Finance and Tax; and Representative Brummer and others—

HB 7105—A bill to be entitled An act relating to the taxation of alcoholic beverages; amending s. 561.121, F.S.; deleting provisions crediting specified taxes on alcoholic beverages to accounts funding sub-

stance abuse programs for children and adolescents; providing for future deletion of a provision providing for payment and credit of alcoholic beverage surcharge funds to the General Revenue Fund to conform; terminating the Children and Adolescents Substance Abuse Trust Fund within the Department of Children and Family Services; providing for disposition of balances in and revenues of such trust fund; amending s. 215.20, F.S.; conforming provisions to the repeal of the trust fund; amending s. 561.501, F.S.; deleting a provision imposing a surcharge on alcoholic beverages sold for consumption on the premises; amending s. 561.025, F.S., to conform; providing for future repeal of s. 561.501, F.S., relating to the collection of the alcoholic beverage surcharge; providing an appropriation; providing effective dates.

—was referred to the Committees on Regulated Industries; Government Efficiency Appropriations; Health and Human Services Appropriations; and Ways and Means.

By the Committee on Governmental Operations; and Representative Rivera—

HB 7115—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding autopsy photographs and video and audio recordings; amending s. 406.135, F.S., which provides an exemption from public records requirements for photographs and video and audio recordings of an autopsy in the custody of a medical examiner; reorganizing the section and making editorial changes; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on Criminal Justice; and Representative Kravitz—

HB 7177—A bill to be entitled An act relating to time limitations for criminal prosecutions; amending s. 775.15, F.S.; specifying the applicability period of a provision allowing an additional limitations period for specified offenses in certain circumstances; providing that a prosecution for specified offenses, unless otherwise barred by law, may be commenced at any time after the date on which the identity of the accused is established, or should have been established by the exercise of due diligence, through the analysis of deoxyribonucleic acid (DNA) evidence; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Representative Meadows and others—

HB 69—A bill to be entitled An act relating to exemptions from the tax on sales, use, and other transactions; providing a short title; providing legislative findings and purpose; amending s. 212.08, F.S.; deleting an annual limitation on an exemption from the sales tax for certain machinery and equipment used to increase productive output; deleting an exemption for machinery and equipment used to expand certain printing manufacturing facilities or plant units; deleting a limitation on application of the exemption for machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations by way of a prospective credit; deleting an annual limitation on an exemption from the sales tax for certain machinery and equipment purchased under a federal procurement contract; repealing s. 212.0805, F.S., relating to qualifications for the exemption and credit for machinery and equipment purchased by an expanding business for use in phosphate or other solid minerals severance, mining, or processing operations; providing an appropriation; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

By Representative Henriquez and others—

HB 93—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; revising legislative intent with respect to the use of an automated external defibrillator; defining the terms “automated external defibrillator” and “defibrillation”; providing that it is a first degree misdemeanor for a person to commit certain acts involving the misuse of an automated external defibrillator; providing penalties and an exception; requiring the Department of Health to implement an educational campaign to inform persons who acquire automated external defibrillator devices of the scope and limitations of the immunity from liability provided under the Cardiac Arrest Survival Act; amending s. 768.1325, F.S.; revising the definition of the term “automated external defibrillator”; providing an effective date.

—was referred to the Committees on Health Care; Judiciary; and Health and Human Services Appropriations.

By Representative Negron and others—

HB 113—A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; amending s. 35.06, F.S.; revising the number of appellate court judges in certain appellate districts; providing appropriations and authorizing positions; providing effective dates.

—was referred to the Committees on Judiciary; Justice Appropriations; and Ways and Means.

By Representative Hays and others—

HB 127—A bill to be entitled An act relating to immunizations; amending s. 1002.23, F.S.; requiring the Department of Education to include parental information regarding school entry requirements and recommended immunization schedules in the guidelines for a parent guide; requiring departmental guidelines regarding student health and other resources; specifying that each school district develop and disseminate a parent guide that provides certain health information, including a recommended immunization schedule and information regarding meningococcal disease; amending s. 1002.42, F.S.; requiring the governing authority of each private school to provide certain health information, including a recommended immunization schedule and information regarding meningococcal disease; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Representative Greenstein and others—

HB 135—A bill to be entitled An act relating to charter schools; creating s. 1002.335, F.S.; providing findings and intent; establishing the Florida Schools of Excellence Commission as a charter school authorizing entity; providing for startup funds; providing for membership of the commission; providing powers and duties of the commission, including serving as a sponsor of charter schools, approving certain entities to act as cosponsors, approving or denying applications for Florida Schools of Excellence (FSE) charter schools, and developing standards for and evaluating the performance of cosponsors and charter schools; requiring collaboration with municipalities, state universities, community colleges, and regional educational consortia as cosponsors for FSE charter schools; providing chartering authority; prescribing procedures under which a district school board may become the exclusive authority to authorize charter schools within a school district; providing for challenges to grants of exclusive authority; prescribing conditions to be considered by the State Board of Education in determining whether to grant exclusive authority; providing requirements for approval of cosponsors by the commission; providing components of required cosponsor agreements; providing causes for revocation of approval of a cosponsor; providing for FSE charter school application and review procedures; authorizing existing charter schools to apply as FSE charter schools; providing for application of specified provisions of law; requiring access to information by parents; requiring the commission to submit an annual report;

requiring rulemaking; amending s. 1002.33, F.S.; providing that the sponsor of a charter school shall not be liable for civil damages for certain actions; providing that the duty to monitor a charter school shall not be the basis for a private cause of action; prescribing limits on immunities of a charter school sponsor; providing requirements with respect to the right to appeal the denial of a charter school application; expanding a school district's immunity from assumption of contractual debts; revising provisions relating to reporting of charter school student enrollment for purposes of funding; providing appropriations and authorizing positions; providing an effective date.

—was referred to the Committees on Education; Judiciary; and Education Appropriations.

By Representative Vana and others—

HB 241—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.814, F.S.; providing for certain children who are ineligible to participate in the Florida KidCare program to be eligible for the Medikids program or the Florida Healthy Kids program; requiring that the Agency for Health Care Administration begin enrollment under the revised program criteria by a specified date; providing an effective date.

—was referred to the Committees on Health Care; Health and Human Services Appropriations; and Ways and Means.

By Representative Harrell and others—

HB 371—A bill to be entitled An act relating to the Cancer Drug Donation Program; creating s. 499.029, F.S.; providing a short title; creating the Cancer Drug Donation Program; providing a purpose; providing definitions; providing conditions for the donation of cancer drugs and supplies to the program; providing conditions for the acceptance of cancer drugs and supplies into the program, inspection of cancer drugs and supplies, and dispensing of cancer drugs and supplies to eligible patients; requiring a participant facility that accepts donated drugs and supplies through the program to comply with certain state and federal laws; authorizing a participant facility to charge fees under certain conditions; requiring the Department of Health, upon recommendation of the Board of Pharmacy, to adopt certain rules; providing for the ineligibility of certain persons to receive donated drugs; requiring the department to establish and maintain a participant facility registry; providing for the contents and availability of the participant facility registry; providing immunity from civil and criminal liability for donors or pharmaceutical manufacturers in certain circumstances; providing that in the event of conflict between the provisions in s. 499.029, F.S., and provisions in ch. 465 or ch. 499, F.S., the provisions in s. 499.029, F.S., shall control; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; and Judiciary.

By Representative Domino and others—

HB 391—A bill to be entitled An act relating to community associations; creating s. 712.11, F.S.; providing for the revival of certain covenants that have lapsed; amending s. 718.106, F.S.; prohibiting local governments from limiting the access of certain persons to beaches adjacent to or adjoining condominium property; amending s. 718.110, F.S.; revising provisions relating to the amendment of declarations; providing legislative findings and a finding of compelling state interest; providing criteria for consent to an amendment; requiring notice regarding proposed amendments to mortgagees; providing criteria for notification; providing for voiding certain amendments; amending s. 718.112, F.S.; revising the implementation date for retrofitting of common areas with a sprinkler system; amending s. 718.114, F.S.; providing that certain leaseholds, memberships, or other possessory or use interests shall be considered a material alteration or substantial addition to certain real property; amending s. 718.404, F.S.; providing retroactive application of provisions relating to mixed-use condominiums; amending s. 719.103, F.S.; providing a definition; amending s. 719.507, F.S.; prohibiting laws, ordinances, or regulations that apply only to improvements that are or

may be subjected to an equity club form of ownership; amending s. 720.302, F.S.; revising governing provisions relating to corporations that operate residential homeowners' associations; amending s. 720.303, F.S.; revising application to include certain meetings; requiring the association to provide certain information to prospective purchasers or lienholders; authorizing the association to charge a reasonable fee for providing certain information; requiring the budget to provide for annual operating expenses; authorizing the budget to include reserve accounts for capital expenditures and deferred maintenance; providing a formula for calculating the amount to be reserved; authorizing the association to adjust replacement reserve assessments annually; authorizing the developer to vote to waive the reserves or reduce the funding of reserves for a certain period; revising provisions relating to financial reporting; revising time periods in which the association must complete its reporting; repealing s. 720.303(2), F.S., as amended, relating to board meetings, to remove conflicting versions of that subsection; creating s. 720.3035, F.S.; providing for architectural control covenants and parcel owner improvements; authorizing the review and approval of plans and specifications; providing limitations; providing rights and privileges for parcel owners as set forth in the declaration of covenants; amending s. 720.305, F.S.; providing that, where a member is entitled to collect attorney's fees against the association, the member may also recover additional amounts as determined by the court; amending s. 720.306, F.S.; providing that certain mergers or consolidations of an association shall not be considered a material or adverse alteration of the proportionate voting interest appurtenant to a parcel; amending s. 720.307, F.S.; requiring developers to deliver financial records to the board in any transition of association control to members; requiring certain information to be included in the records and for the records to be prepared in a specified manner; amending s. 720.308, F.S.; providing circumstances under which a guarantee of common expenses shall be effective; providing for approval of the guarantee by association members; providing for a guarantee period and extension thereof; requiring the stated dollar amount of the guarantee to be an exact dollar amount for each parcel identified in the declaration; providing payments required from the guarantor to be determined in a certain manner; providing a formula to determine the guarantor's total financial obligation to the association; providing that certain expenses incurred in the production of certain revenues shall not be included in the operating expenses; amending s. 720.311, F.S.; revising provisions relating to dispute resolution; providing that the filing of any petition for arbitration or the serving of an offer for presuit mediation shall toll the applicable statute of limitations; providing that certain disputes between an association and a parcel owner shall be subject to presuit mediation; revising provisions to conform; providing that temporary injunctive relief may be sought in certain disputes subject to presuit mediation; authorizing the court to refer the parties to mediation under certain circumstances; requiring the aggrieved party to serve on the responding party a written offer to participate in presuit mediation; providing a form for such offer; providing that service of the offer is effected by the sending of such an offer in a certain manner; providing that the prevailing party in any subsequent arbitration or litigation proceedings is entitled to seek recovery of all costs and attorney's fees incurred in the presuit mediation process; requiring the mediator or arbitrator to meet certain certification requirements; removing a requirement relating to development of an education program to increase awareness of the operation of homeowners' associations and the use of alternative dispute resolution techniques; providing effective dates.

—was referred to the Committees on Regulated Industries; Community Affairs; and Judiciary.

By Representative Quinones and others—

HB 415—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.052, F.S.; deleting an exception to an exemption from the tax for research or development costs; amending s. 212.08, F.S.; deleting provisions providing an exemption on account of use for machinery and equipment used for research and development; revising provisions for application for the exemption; specifying the term of validity of an exemption certification; providing for biennial renewal of certifications; providing criteria; deleting a limitation on number of exemption applications by a business in a year; exempting machinery and equipment used predominantly for research and development activities; providing definitions; authorizing the Department of Revenue to adopt rules administering and implementing the exemption;

providing requirements and procedures for claiming the exemption; requiring an affidavit to be given by a taxpayer claiming entitlement to the exemption; providing penalties for fraudulently claiming the exemption; providing recordkeeping requirements; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Representative Sands and others—

HB 457—A bill to be entitled An act relating to guardianship; amending s. 744.102, F.S.; defining the terms “audit” and “surrogate guardian”; amending s. 744.1083, F.S.; revising provisions relating to identification information provided by professional guardians for registration; authorizing revocation or suspension of a professional guardian’s registration; providing that the Statewide Public Guardianship Office need not review credit and criminal investigations from a state college or university before registering the institution as a professional guardian; amending s. 744.301, F.S.; providing that in the event of death, the surviving parent is the sole natural guardian of a minor; prohibiting a natural guardian from using the property of the ward for the guardian’s benefit without a court order; creating s. 744.3025, F.S.; authorizing a court to appoint a guardian ad litem to represent a minor’s interest in certain claims that exceed a specified amount; requiring a court to appoint a guardian ad litem to represent a minor’s interest in certain claims that exceed a specified amount; providing that a court need not appoint a guardian ad litem under certain circumstances; requiring a court to award reasonable fees and costs to the guardian ad litem; amending s. 744.3031, F.S.; increasing the time an emergency temporary guardian may serve; increasing the time of an extension; requiring an emergency temporary guardian to file a final report; providing for the contents of the final report; amending s. 744.304, F.S.; specifying the persons who may file a petition for a standby guardian; requiring that notice of the appointment hearing be served on the ward’s next of kin; clarifying when a standby guardian may assume the duties of guardian; requiring that each standby guardian submit to credit and criminal history record checks; amending s. 744.3115, F.S.; defining the term “health care decision”; amending s. 744.3135, F.S.; providing procedures for completing a guardian’s criminal history record check; authorizing a guardian to use electronic fingerprinting equipment that is available for criminal history record checks of public employees; providing that a guardian need not be rescreened if he or she uses certain electronic fingerprinting equipment; providing for fees; requiring the Statewide Public Guardianship Office to request that the Department of Law Enforcement forward certain fingerprints to the Federal Bureau of Investigation; requiring the Statewide Public Guardianship Office to adopt a rule for credit investigations of guardians; amending s. 744.3145, F.S.; reducing the time in which a guardian must complete the education courses; amending s. 744.3215, F.S.; providing that an incapacitated person retains the right to receive services and rehabilitation necessary to maximize the quality of the person’s life; revising provisions relating to rights that may be removed from a person determined incapacitated; amending s. 744.331, F.S.; requiring that the court appoint an attorney for an alleged incapacitated person from a specified registry; requiring attorneys to complete certain training programs; providing that a member of the examining committee may not be related to or associated with certain persons; prohibiting a person who served on an examining committee from being appointed as the guardian; requiring each member of an examining committee to file an affidavit stating that he or she has completed or will timely complete the mandatory training; providing for training programs; requiring each member to file a report regarding his or her examination of an alleged incapacitated person; providing for dismissal of a petition alleging incapacity based on the reports of the majority of the committee members; providing for an award of attorney’s fees; amending s. 744.341, F.S.; requiring the voluntary guardian to include certain information in the annual report; amending s. 744.361, F.S.; requiring a professional guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; providing an exemption; amending s. 744.365, F.S.; requiring that the verified inventory include information on any trust to which a ward is a beneficiary; amending s. 744.367, F.S.; requiring that the annual report of the guardian filing on a calendar-year basis be filed on or before a specified date; exempting all minor wards from service of the annual report; amending s. 744.3675, F.S.; requiring that the annual guardianship plan include

information on the mental condition of the ward; providing for an annual guardianship plan for wards who are minors; amending s. 744.3678, F.S.; providing that property of the ward which is not under the control of the guardian, including certain trusts, is not subject to annual accounting; requiring certain documentation for the annual accounting; amending s. 744.3679, F.S.; removing a provision prohibiting the clerk of the court from having responsibility for monitoring or auditing accounts in certain cases; amending s. 744.368, F.S.; requiring that the verified inventory and the accountings be audited within a specified time period; amending s. 744.441, F.S.; requiring the court to retain oversight for assets of a ward transferred to a trust; creating s. 744.442, F.S.; providing that a guardian may designate a surrogate guardian to exercise the powers of the guardian if the guardian is unavailable to act; requiring the surrogate guardian to be a professional guardian; providing the procedures to be used in appointing a surrogate guardian; providing the duties of a surrogate guardian; requiring the guardian to be liable for the acts of the surrogate guardian; authorizing the guardian to terminate the services of the surrogate guardian by filing a written notice of the termination with the court; amending s. 744.464, F.S.; removing the state attorney from the list of persons to be served a notice of a hearing on restoration of capacity; removing a time limitation on the filing of a suggestion of capacity; amending s. 744.474, F.S.; revising provisions relating to removal of a guardian who is not a family member; revising provisions relating to removal of a guardian upon a showing that removal of the current guardian is in the best interest of the ward; amending s. 744.511, F.S.; providing that a ward who is a minor need not be served with the final report of a removed guardian; amending s. 744.527, F.S.; providing that final reports for a deceased ward be filed at a specified time; amending s. 744.528, F.S.; providing for a notice of the hearing for objections to a report filed by a guardian; amending s. 744.708, F.S.; revising provisions relating to audits and investigations of each office of public guardian; requiring a public guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; providing for additional distribution of a specified annual report; deleting a definition; amending s. 765.101, F.S.; redefining the term “health care decision” to include informed consent for mental health treatment services; amending ss. 121.091, 121.4501, 709.08, and 744.1085, F.S.; conforming cross-references; reenacting s. 117.107(4), F.S., relating to prohibited acts of a notary public, to incorporate the amendment made to s. 744.3215, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; and Justice Appropriations.

By Representative Troutman and others—

HB 471—A bill to be entitled An act relating to fish and wildlife; amending s. 370.01, F.S.; defining the term “commercial harvester”; amending s. 370.021, F.S.; providing for base penalties; conforming penalty provisions for commercial harvesters; providing penalties for persons other than commercial harvesters; conforming provisions relating to the spiny lobster; amending s. 370.028, F.S.; conforming penalty provisions; amending s. 370.061, F.S.; correcting a cross-reference; amending ss. 370.063, 370.08, 370.081, 370.1105, 370.1121, 370.13, 370.135, 370.14, and 370.142, F.S.; conforming penalty provisions for commercial harvesters; providing penalties for persons other than commercial harvesters; conforming provisions relating to the spiny lobster; deleting obsolete provisions; amending s. 372.562, F.S.; conforming a provision providing an exemption from fees and requirements; amending s. 372.57, F.S.; specifying seasonal recreational activities for which a license or permit is required; increasing fees for certain licenses to conform; providing a fee for a crossbow season permit; providing for crossbow season permits; providing penalties for the production, possession, and use of fraudulent fishing and hunting licenses; providing penalties for the taking of game and fish with a suspended or revoked license; conforming provisions relating to the spiny lobster; amending s. 372.5704, F.S.; conforming penalty provisions; amending ss. 372.571 and 372.573, F.S.; correcting cross-references; amending s. 372.5717, F.S.; authorizing the Fish and Wildlife Conservation Commission to defer the hunter safety education course requirement for a specified time period and for a specified number of times; providing for a special authorization and conditions to hunt using a hunter safety education deferral; deleting the mandatory minimum number of instructional hours for persons required to take the hunter safety education course; providing

an exemption for the display of hunter safety education certificates; providing penalties; amending s. 372.83, F.S.; revising the penalties for violations of rules, orders, and regulations of the Fish and Wildlife Conservation Commission; creating penalties for recreational violations of certain saltwater fishing regulations established in ch. 370, F.S.; providing for court appearances in certain circumstances; providing for Level One, Level Two, Level Three, and Level Four offenses; providing for enhanced penalties for multiple violations; providing for suspension and revocation of licenses and permits, including exemptions from licensing and permit requirements; defining the term "conviction" for purposes of penalty provisions; creating s. 372.935, F.S.; providing penalties for violations involving captive wildlife and poisonous or venomous reptiles; specifying violations that constitute noncriminal infractions or second-degree misdemeanors; amending ss. 372.26, 372.265, 372.661, 372.662, 372.667, 372.705, 372.988, 372.99022, 372.99, and 372.9903, F.S.; conforming penalty provisions; amending s. 921.0022, F.S.; deleting certain Level One offense designations; creating s. 372.831, F.S.; creating the Wildlife Violators Compact; providing findings and purposes; providing definitions; providing procedures for states issuing citations for wildlife violations; providing requirements for the home state of a violator; providing for reciprocal recognition of a license suspension; providing procedures for administering the compact; providing for entry into and withdrawal from the compact; providing for construction of the compact and for severability; creating s. 372.8311, F.S.; providing for enforcement of the compact by the Fish and Wildlife Conservation Commission; providing that actions committed or omitted by the Fish and Wildlife Conservation Commission in enforcing the compact are subject to review under ch. 120, F.S.; requiring that the Fish and Wildlife Conservation Commission update the automated licensing system by August 1, 2006; repealing s. 372.711, F.S., relating to noncriminal infractions; repealing s. 372.912, F.S.; relating to poisonous or venomous reptile hunts; providing an effective date.

—was referred to the Committees on Environmental Preservation; Judiciary; Criminal Justice; Governmental Oversight and Productivity; and General Government Appropriations.

By Representative Ross and others—

HB 517—A bill to be entitled An act relating to self-insurance funds; amending s. 624.4622, F.S.; authorizing local government self-insurance funds to insure or self-insure real or personal property against loss or damage; amending s. 624.4623, F.S.; prohibiting requiring participation of independent educational institution self-insurance funds in or entitlement to coverage under certain guaranty associations; creating s. 624.4624, F.S.; authorizing two or more corporations not for profit to form a self-insurance fund for certain purposes; providing specific requirements; providing a definition; providing limitations; providing for application of certain provisions to certain premiums, contributions, and assessments; providing for payment of insurance premium tax at a reduced rate by corporation not for profit self-insurance funds; subjecting a corporation not for profit self-insurance fund to certain group self-insurance fund provisions under certain circumstances; creating s. 627.443, F.S.; prohibiting rejecting certain workers' compensation insurance policies by certain persons on certain grounds; providing an effective date.

—was referred to the Committees on Banking and Insurance; and Commerce and Consumer Services.

By Representative Cannon—

HB 595—A bill to be entitled An act relating to community behavioral health agencies; creating s. 394.9085, F.S.; providing that certain facilities or programs have liability limits in negligence actions under certain circumstances; limiting net economic damages allowed per claim; requiring that damages be offset by collateral source payment in accordance with s. 768.76, F.S.; requiring that costs to defend actions be assumed by the provider or its insurer; specifying occasions upon which the limitations on liability enjoyed by the provider extend to the employee; requiring that providers obtain and maintain specified liability coverage; specifying that persons providing contractual services to the state are not considered agents or employees under ch. 440, F.S.; providing for an annual increase in the conditional limitations on damages; providing

definitions; providing construction; preserving sovereign immunity for governmental units and entities protected by sovereign immunity; providing an effective date.

—was referred to the Committees on Children and Families; Judiciary; Health and Human Services Appropriations; and Ways and Means.

By Representative Grimsley and others—

HB 715—A bill to be entitled An act relating to hospital licensing and regulation; amending s. 395.003, F.S.; prohibiting authorization of additional emergency departments located off the premises of licensed hospitals until the Agency for Health Care Administration adopts rules; amending s. 395.1055, F.S.; requiring the agency to adopt rules to establish licensure standards for emergency departments located off the premises of licensed hospitals; requiring the rules to address certain topics; amending s. 395.4001, F.S.; providing definitions; repealing s. 395.4035, F.S., to terminate the Trauma Services Trust Fund; amending s. 395.4036, F.S.; revising provisions relating to distribution of funds to trauma centers and use thereof; creating s. 395.41, F.S.; establishing a trauma center startup grant program; providing conditions for the receipt of a startup grant; providing limitations; making the trauma center startup grant program subject to an appropriation in the General Appropriations Act; providing a contingent effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Representative Clarke—

HB 755—A bill to be entitled An act relating to the Department of the Lottery; amending s. 24.109, F.S.; requiring an administrative law judge to conduct certain reviews in a competitive procurement protest and providing guidelines for such review; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Judiciary.

By Representative Planas—

HB 827—A bill to be entitled An act relating to pretrial release; amending s. 903.02, F.S.; providing that any judge setting or granting bail shall set a separate bail amount for each charge or offense; amending s. 903.047, F.S.; requiring a defendant to comply with all conditions of pretrial release; amending s. 903.27, F.S.; providing that in cases in which the bond forfeiture has been discharged by the court, the amount of the judgment may not exceed the amount of the unpaid fees or costs upon which the discharge had been conditioned; amending s. 903.31, F.S.; providing that the clerk of court shall furnish an executed certificate of cancellation to the surety; providing that an acquittal or a withholding of adjudication of guilt shall satisfy bond conditions; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Justice Appropriations.

By Representative Attkisson and others—

HB 841—A bill to be entitled An act relating to supersedeas bond; creating s. 45.045, F.S.; limiting the amount of supersedeas bond required for certain appellants; providing that a party may move the court to reduce the supersedeas bond; providing an exception to limits if an appellant engages in certain conduct for the purpose of avoiding payment of the judgment; providing applicability; providing an effective date.

—was referred to the Committee on Judiciary.

By Representative Flores and others—

HB 849—A bill to be entitled An act relating to regulation of foreign language court interpreters; requiring the Supreme Court to establish standards and procedures for qualifications, certification, conduct, discipline, and training of appointed foreign language court interpreters; requiring the Supreme Court to set fees for certification applications; specifying the use and deposit of such fees; authorizing the Supreme Court to appoint or employ personnel for certain administration assistance purposes; providing an effective date.

—was referred to the Committees on Judiciary; and Justice Appropriations.

By Representative Bullard and others—

HB 911—A bill to be entitled An act relating to the use of state facilities as emergency shelters; amending s. 252.385, F.S.; providing for use of certain state facilities as emergency shelters; requiring the Department of Management Services to list state-owned facilities that are suitable for use as emergency shelters; providing requirements with respect to such listing; defining terms; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Domestic Security; and General Government Appropriations.

By Representative Roberson and others—

HB 959—A bill to be entitled An act relating to a motor vehicle safety pilot program; requiring certain limited access facilities that are adjacent to a canal or other water body to have a system of guardrails, retention cables, or other barriers between the highway and the canal or water body; providing for the Department of Transportation to establish certain standards governing the installation and maintenance of the barriers; requiring that barriers be installed for existing highways by a specified date; providing for future review and repeal; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Transportation and Economic Development Appropriations.

By Representative Cretul and others—

HB 1009—A bill to be entitled An act relating to real estate profession regulation; amending s. 475.161, F.S.; providing for broker associate or sales associate licensure as a professional limited liability company; amending s. 475.181, F.S.; revising and adding conditions for licensure; amending s. 475.183, F.S.; providing continuing education requirements for certain license renewal; requiring the Florida Real Estate Commission to prescribe certain continuing education courses; amending s. 475.25, F.S.; increasing a maximum disciplinary administrative fine; providing additional grounds for discipline for brokers; providing filing limitations for administrative complaints against sales associates; requiring the Department of Business and Professional Regulation or the commission to provide notification to certain persons upon the department's or commission's filing of a formal complaint against a licensee; amending s. 475.278, F.S.; revising the required information on a transaction broker notice, a single agent notice, and a no brokerage relationship notice; amending s. 475.42, F.S.; removing a cross-reference to conform to changes made by the act; amending s. 475.451, F.S.; requiring schools teaching real estate practice to keep certain records and documents and make them available to the department; requiring certain personnel of schools teaching real estate practice to deliver course rosters to the department by a certain date; specifying the information required in a course roster; amending s. 475.453, F.S.; revising a provision relating to rental information given by a broker or sales associate to a prospective tenant; amending s. 475.701, F.S.; revising definitions; amending s. 475.707, F.S.; revising a provision relating to commission notice recording; amending s. 475.709, F.S.; clarifying provisions relating to claim of commission; amending s. 475.711, F.S.; clarifying provisions relating to actions involving disputed reserved proceeds; amending s. 475.713, F.S.; revising the award of costs and attorney's fees in civil

actions concerning commission; amending s. 475.715, F.S.; revising the method by which an owner's net proceeds are computed; amending s. 475.719, F.S.; removing an exception from a buyer's broker provision shielding the rights and remedies available to an owner, a buyer, or a buyer's broker; amending s. 475.807, F.S.; revising a provision relating to the recordation of lien notices; providing that the recording of a broker's lien notice or any extension thereof and any lis pendens shall not constitute notice of the existence of any lease; amending s. 721.20, F.S.; removing a cross-reference to conform to changes made by the act; repealing s. 475.452, F.S., relating to advance fees, deposit, accounting, penalty, and damages; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and General Government Appropriations.

By Representative Pickens and others—

HB 1015—A bill to be entitled An act relating to agricultural economic development; amending s. 70.001, F.S.; providing a deadline for an owner of agricultural land to present a claim prior to filing an action against a governmental entity regarding private property rights; amending s. 163.3162, F.S.; providing for application for an amendment to the local government comprehensive plan by the owner of land that meets certain provisions of the definition of an agricultural enclave; providing requirements relating to such applications; exempting certain amendments from specified rules of the Department of Community Affairs under certain circumstances; amending s. 163.3164, F.S.; defining the term "agricultural enclave" for purposes of the Local Government Comprehensive Planning and Land Development Regulation Act; creating s. 259.047, F.S.; providing requirements relating to the purchase of land on which an agricultural lease exists; amending s. 373.0361, F.S.; providing for recognition that alternative water supply development options for agricultural self-suppliers are limited; amending s. 373.2234, F.S.; conforming a cross-reference; amending s. 373.236, F.S.; requiring water management districts to inform landowners of the option to obtain certain consumptive use permits; creating s. 373.407, F.S.; providing for memoranda of agreement regarding qualification for agricultural-related exemptions; providing an effective date.

—was referred to the Committees on Agriculture; Community Affairs; and Environmental Preservation.

By Representative Vana and others—

HB 1033—A bill to be entitled An act relating to child abuse; requiring the Office of Program Policy Analysis and Government Accountability to evaluate compliance with continuing education requirements for professionals required to provide their names when reporting child abuse, neglect, or abandonment; requiring a report to the Governor and Legislature; requiring the Department of Health to make available a curriculum; providing an effective date.

—was referred to the Committees on Children and Families; and Health and Human Services Appropriations.

By Representative Russell—

HB 1077—A bill to be entitled An act relating to motor vehicle dealers; amending s. 320.27, F.S.; revising education requirements for licensure to provide for a full-time, management-level employee of the applicant or licensee; exempting certain applicants for a new franchised motor vehicle dealer license from certain training requirements; amending s. 320.60, F.S.; revising the definition of "demonstrator" for purposes of provisions relating to manufacturing, importing, and distributing motor vehicles; amending s. 320.64, F.S.; prohibiting specified licensees from failing to pay certain compensation amounts to a motor vehicle dealer after termination of the dealer's franchise agreement; providing exceptions; providing procedures for payment of the compensation amounts; providing for certain remedies, procedures, and rights of recovery; amending s. 320.642, F.S.; deleting a requirement that certain notices be sent by certified mail; revising conditions under which an opening or reopening of the same or a successor dealer within 12 months is not

considered an additional dealer subject to protest; prohibiting for a certain time proposals for a dealer of the same line-make after the opening or reopening of the dealer; providing criteria for measurements of distance between dealer locations; providing that the Department of Highway Safety and Motor Vehicles is not obligated to determine the accuracy of any distance submitted in a notice; providing for resolution of disputed distances by a hearing in accordance with specified provisions; providing an effective date.

—was referred to the Committees on Transportation; Commerce and Consumer Services; Criminal Justice; Domestic Security; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Representative Greenstein and others—

HB 1115—A bill to be entitled An act relating to the South Florida Regional Transportation Authority; amending s. 343.54, F.S.; revising language relating to powers and duties of the authority; deleting the term “commuter rail”; amending s. 343.55, F.S.; providing pledge to bondholders that the state will not alter certain rights vested in the authority that affect the rights of bondholders while bonds are outstanding; amending s. 343.58, F.S.; revising provisions for funding of the authority; requiring counties served by the authority to annually transfer certain funds before a certain date; removing provisions for sources of that funding; removing authorization for a vehicle registration tax; providing for a certain funding source for capital, operating, and maintenance expenses; revising county funding amounts to fund operations; providing for cessation of specified county funding contributions and providing for certain refunding of the contributions under certain circumstances; revising timeframe for repeal of specified funding provisions under certain circumstances; providing a statement of important state interest; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; Government Efficiency Appropriations; Transportation and Economic Development Appropriations; and Ways and Means.

By Representative Sansom and others—

HB 1123—A bill to be entitled An act relating to government accountability; creating ch. 21, F.S., the Florida Government Accountability Act; providing definitions; creating the Legislative Sunset Advisory Committee; providing for appointment, qualifications, and terms of committee members; providing for vacancies; providing for organization and procedure; authorizing reimbursement for certain expenses; providing for employment of staff; providing a schedule for abolishing state agencies and advisory committees; prescribing required content for agency reports to the committee; providing for review of agencies and their advisory committees by the Office of Program Policy Analysis and Government Accountability; prescribing duties of the committee in reviewing reports, consulting with other legislative entities, holding public hearings, and making a report and recommendations to the legislative leadership with respect to agencies scheduled for abolition; providing for monitoring committee recommendations; providing review criteria; specifying recommendation options; authorizing exemption from certain review for certain agencies; providing for continuation of state agencies and their advisory committees by default under certain circumstances; providing for continuation of state agencies and their advisory committees, by law, under certain circumstances; providing for legislative consideration of proposals with respect to such recommendations; providing procedures after termination; providing for issuance of subpoenas; authorizing reimbursement for travel and per diem for witnesses; providing for assistance of and access to state agencies; providing applicability with respect to certain rights, penalties, liabilities, and proceedings; providing for review of proposed legislation creating a new agency or advisory committee; amending s. 216.023, F.S.; requiring that performance measures and standards and outsourcing cost-benefit and business case analyses identify impacts on agency activities; creating a working group to develop instructions for agencies regarding the computation of

activity and unit cost information required to be included in legislative budget requests; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Representative Henriquez and others—

HB 1129—A bill to be entitled An act relating to the Florida State Employees’ Charitable Campaign; amending s. 110.181, F.S.; revising the manner in which certain undesignated funds are distributed to participating charities; distributing the funds proportionately to such charities based upon their percentage of designations in each fiscal agent area; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Community Affairs.

By Representative Murzin and others—

HB 1139—A bill to be entitled An act relating to construction defects; amending ss. 558.001, 558.002, and 558.004, F.S.; revising provisions to expand application to construction defects in any property other than public transportation projects; deleting language limiting application to only residential property; amending s. 558.005, F.S.; revising provisions relating to required notices for construction defect claims under certain construction contracts; applying provisions of ch. 558, F.S., notwithstanding certain notice requirements; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By Representative Evers and others—

HB 1145—A bill to be entitled An act relating to official state designations; creating s. 15.0301, F.S.; designating an official state motto; creating s. 15.052, F.S.; designating the future Admiral John H. Fetterman State of Florida Maritime Museum and Research Center in Pensacola as the official state maritime museum; providing for future review and repeal of the designation; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Judiciary.

By Representative Galvano and others—

HB 1169—A bill to be entitled An act relating to vehicular incidents involving death or personal injuries; providing a short title; amending s. 316.027, F.S.; requiring a court to sentence a driver of a vehicle to a minimum term of imprisonment if the person is driving under the influence and leaves the scene of a crash that results in death; requiring a court to order the driver of a vehicle to make restitution to the victim for any damage or loss if a driver leaves the scene of an accident that results in injury or death; requiring a court to make the payment of restitution a condition of probation; providing that an order requiring the defendant to make restitution to a victim does not remove or diminish the requirement that the court order payment to the Crimes Compensation Trust Fund; amending s. 316.193, F.S.; requiring that a person convicted of DUI manslaughter be sentenced to a mandatory minimum term of imprisonment; amending s. 921.0021, F.S.; allowing assessment of victim injury points for certain offenses if the court finds that the offender caused victim injury; providing an effective date.

—was referred to the Committees on Children and Families; Criminal Justice; and Justice Appropriations.

By Representative Mahon and others—

HB 1243—A bill to be entitled An act relating to education personnel; amending s. 1012.985, F.S.; authorizing a regional professional development academy to receive funds from certain sources for the purpose of developing programs and services; providing that a regional professional development academy is not a component of any school district or governmental unit to which it provides services; providing an effective date.

—was referred to the Committees on Education; and Education Appropriations.

By Representative Kravitz and others—

HB 1247—A bill to be entitled An act relating to developmental disabilities; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to develop a waiver program to serve children and adults with specified disorders; requiring the agency to seek federal approval and implement the approved waiver in the General Appropriations Act, subject to certain limitations; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; and Health and Human Services Appropriations.

By Representative Cusack—

HB 1269—A bill to be entitled An act relating to local occupational license taxes; amending ch. 205, F.S., consisting of ss. 205.013-205.1973, F.S.; changing the term “local occupational license tax” to “local business tax”; defining the term “receipt” as it relates to business taxes; amending provisions to conform; providing an effective date.

—was referred to the Committees on Community Affairs; Regulated Industries; and Government Efficiency Appropriations.

By Representative Cannon—

HB 1271—A bill to be entitled An act relating to the Division of Alcoholic Beverages and Tobacco; amending s. 20.165, F.S.; requiring each employee serving as a law enforcement officer for the division to meet the qualifications of a law enforcement officer set forth in ch. 943, F.S., for employment or appointment; requiring each such employee to be certified as a law enforcement officer by the Department of Law Enforcement; providing the law enforcement officer with certain powers, authority, and jurisdiction; specifying the primary and secondary responsibilities for law enforcement officers of the division; providing an effective date.

—was referred to the Committees on Regulated Industries; Criminal Justice; and General Government Appropriations.

By Representative Poppell and others—

HB 1291—A bill to be entitled An act relating to weapons; amending s. 790.001, F.S.; revising the definition of “weapon”; amending s. 790.115, F.S.; revising and clarifying provisions related to the prohibited exhibition and possession of specified weapons and firearms at a school-sponsored event or on school property; providing penalties; amending s. 810.095, F.S.; clarifying provisions with respect to prohibited trespass on school property with a firearm or other weapon; providing a penalty; providing an effective date.

—was referred to the Committees on Education; and Criminal Justice.

By Representative Poppell—

HB 1297—A bill to be entitled An act relating to the Town of Grant-Valkaria, Brevard County; creating the Town of Grant-Valkaria; providing a charter for the town; providing powers of the town; providing for liberal construction; providing for a town council-administrator form of

government; providing corporate boundaries; providing that the town may contract with other governmental entities; providing for a town council and its powers and duties, compensation, and membership; providing for a mayor and vice mayor and their powers and duties; providing for filling of vacancies; providing for meetings of the town council; providing for ordinances; restricting the use of eminent domain; providing for a town administrator and his or her powers and duties, appointment, qualifications, and compensation; requiring the town administrator to furnish a security bond; providing for removal or absence of the town administrator; providing that the town may establish departments, offices, and agencies and providing for administration of those under the direction and supervision of the town administrator; providing for a personnel system; providing for a town attorney; providing for land use, development, and environmental planning; providing for accounting procedures; specifying the fiscal year of the town; requiring an annual audit; providing for availability of financial records of the town; providing for public deposits; providing requirements for purchase or sale of real property by the town; providing for an annual budget; authorizing the levy of certain taxes within the town; prohibiting the issuance of certain bonds or entering into certain types of contracts unless approved by referendum; providing for emergency appropriations; providing for town elections; providing for conduct of officials in office; providing for appointments and removals of town administrative officers and employees; providing that the town council shall deal with the town administrator and not officers and employees of the administrator; providing for regulation of campaign financing; requiring a long-range plan and a 5-year financial plan; providing for emergency operations; providing for dissolution; providing for charter amendment and review; providing for regulation of land use, zoning, and development; providing for transition, including an interim council, continuity and sources of revenues, and continuity of services; providing severability; requiring a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Culp and others—

HB 1325—A bill to be entitled An act relating to controlled substances; amending s. 39.301, F.S.; requiring the Department of Children and Family Services to file a petition for dependency for the children of parents involved in certain controlled substance crimes; amending s. 893.13, F.S.; revising provisions relating to criminal penalties for controlled substance violations that result in serious injury to specified individuals; creating s. 627.4107, F.S.; prohibiting cancellation or nonrenewal of life or health insurance policies or certificates of insurance providing coverage to specified local, state, or federal employees due to exposure to toxic chemicals or due to disease or injury incurred in their duties related to controlled substance law violations committed by others; providing penalties; permitting cancellations or nonrenewals for specified fraud or misrepresentation; amending s. 907.041, F.S.; revising a definition; revising provisions relating to pretrial release of certain defendants charged with certain controlled substance offenses; providing an effective date.

—was referred to the Committees on Judiciary; Criminal Justice; Banking and Insurance; and Health and Human Services Appropriations.

By Representative Williams and others—

HB 1347—A bill to be entitled An act relating to land acquisition and management; amending s. 201.15, F.S.; providing that taxes distributed to pay debt service on Preservation 2000 bonds, Florida Forever bonds, and Save Our Everglades bonds shall, under specified circumstances, be collectively distributed on a pro rata basis; correcting a cross-reference; deleting obsolete provisions; amending s. 215.619, F.S.; providing that Everglades restoration bonds are on a parity basis with other land acquisition bonds; amending s. 259.032, F.S.; authorizing the use of funds in the Conservation and Recreation Lands Trust Fund for management, maintenance, and capital improvements for conservation and recreation lands, including lands acquired under the Babcock Crescent B Ranch Florida Forever acquisition; revising requirements for the development of an individual land management plan; amending s. 259.105, F.S.;

establishing the Legislature's intent that the protection and buffering of military installations is of great importance; directing the Acquisition and Restoration Council to also give priority consideration to the acquisition of lands that protect and buffer military installations; amending s. 259.1051, F.S.; conforming the distribution of funds from the Florida Forever Trust Fund; creating s. 259.1052, F.S.; providing for the acquisition of the state's portion of the Babcock Crescent B Ranch; providing a definition; granting authority to the Department of Environmental Protection to distribute funds for the acquisition of the Babcock Crescent B Ranch; creating s. 259.106, F.S.; creating the Babcock Ranch Preserve Act; providing definitions; creating the Babcock Ranch Preserve, a conservation acquisition with certain goals; creating Babcock Ranch, Inc., a not-for-profit corporation to be incorporated in the state; providing that the corporation shall act as an instrumentality of the state for purposes of sovereign immunity under s. 768.28, F.S.; providing that the corporation shall not be an agency under s. 20.03, F.S., or a unit or entity of state government; providing that the corporation is subject to the provisions of chs. 119 and 286, F.S., relating to public records and meetings; requiring public records and meetings; providing for the corporation to be governed by a board of directors; providing for the qualifications, appointment, removal, and liability of board members and their terms of office; prohibiting any board member from voting on any measure that constitutes a conflict of interest; providing for the board members to serve without compensation, but to receive per diem and travel expenses; providing for organization and meetings; authorizing state agencies to provide state employees for purposes of implementing the Babcock Ranch Preserve; providing certain powers and duties of the corporation; providing limitations on the powers and duties of the corporation; providing that the corporation and its subsidiaries must provide equal employment opportunities; providing for the corporation to establish and manage an operating fund; requiring an annual financial audit of the accounts and records of the corporation; requiring annual reports by the corporation to the Board of Trustees of the Internal Improvement Trust Fund, the Legislature, the Department of Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission; requiring that the corporation prepare an annual budget; specifying a goal of financially self-sustaining operation within a certain period; providing for the corporation to retain donations and other moneys; requiring that the corporation adopt articles of incorporation and bylaws subject to the approval of the Board of Trustees of the Internal Improvement Trust Fund; authorizing the corporation to appoint advisory committees; providing requirements for a comprehensive business plan; specifying the procedures by which the corporation shall assume the management and operation of the Babcock Ranch Preserve; prohibiting the corporation from taking certain actions without the consent of the Board of Trustees of the Internal Improvement Trust Fund; requiring that the corporation be subject to certain state laws and rules governing the procurement of commodities and services; authorizing the corporation to assess reasonable fees; providing for management of the Babcock Ranch Preserve until expiration of a current management agreement; providing for reversion of the management and operation responsibilities to certain agencies upon the dissolution of the corporation; providing that the corporation may be dissolved only by an act of the Legislature; providing for reversion of funds upon the dissolution of the corporation; providing for appropriations and certain conditions therefor; providing effective dates.

—was referred to the Committees on Environmental Preservation; Agriculture; Governmental Oversight and Productivity; General Government Appropriations; and Ways and Means.

By Representative Evers and others—

HB 1367—A bill to be entitled An act relating to contracting exemptions; amending ss. 489.103 and 489.503, F.S.; revising exemptions for certain owners of property from certain contracting provisions; increasing maximum construction costs allowed for exemption; requiring owners of property to satisfy certain local permitting agency requirements; providing for penalties; providing an exemption for owners of property damaged by certain natural causes; providing an effective date.

—was referred to the Committees on Regulated Industries; and Community Affairs.

By Representative Benson and others—

HB 1409—A bill to be entitled An act relating to the Florida Health Information Network, Inc.; creating s. 408.064, F.S.; providing a short title; providing legislative intent; requiring the Agency for Health Care Administration to develop and implement a plan for the formation and operation of a health information network; requiring the agency to enter into a contract to implement the plan; creating the Florida Health Information Network, Inc., as a not-for-profit corporation; providing for a board of directors; providing for appointment of board members; providing for terms; providing duties and responsibilities of the corporation; requiring a report to the Governor and Legislature; providing for certain funds and assets to revert to the state upon dissolution of the network; providing conditions for funding of the network; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By Representative Russell and others—

HB 1443—A bill to be entitled An act relating to liens; amending s. 679.705, F.S.; extending the effective date of a financing statement filed under previous law; amending s. 713.135, F.S.; revising certain notice of commencement and applicability of lien requirements for certain authorities issuing building permits; prohibiting private providers performing inspection services from performing or approving certain inspections under certain circumstances; increasing a threshold amount for certain application requirement exemptions; prohibiting issuing authorities from requiring recordation of a notice of commencement for certain purposes; authorizing fees for furnishing copies of certain statements; authorizing authorities issuing building permits to accept permit applications electronically; requiring an electronic submission statement on building permit applications; requiring provision of Internet access; amending s. 713.18, F.S.; providing for electronic evidence of delivery of notices required by the Construction Lien Law; amending s. 713.35, F.S.; revising provisions relating to the making or furnishing of false statements on certain construction documents; providing penalties; providing effective dates.

—was referred to the Committees on Regulated Industries; Community Affairs; Criminal Justice; and General Government Appropriations.

By Representative Gannon and others—

HB 1449—A bill to be entitled An act relating to brain tumor research; creating s. 381.853, F.S.; providing legislative findings and intent; requiring the Evelyn F. and William L. McKnight Brain Institute of the University of Florida to develop and maintain a brain tumor registry; providing that individuals may choose not to be listed in the registry; establishing the Florida Center for Brain Tumor Research within the Evelyn F. and William L. McKnight Brain Institute of the University of Florida; providing purpose and goal of the center; providing for a competitive grant process for awarding certain funds; requiring the center to hold an annual brain tumor biomedical technology summit; providing for clinical trials and collaboration between certain entities; requiring the center to submit an annual report to the Governor, Legislature, and Secretary of Health; providing for funding; establishing a scientific advisory council and providing for membership, terms of office, meetings, and compensation; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; Commerce and Consumer Services; Health and Human Services Appropriations; and Ways and Means.

By Representative Altman and others—

HB 1465—A bill to be entitled An act relating to speed limit enforcement on state roads; creating s. 316.1893, F.S.; providing legislative intent; creating a pilot program for establishment by the Department of Transportation of enhanced penalty zones on state roads in certain counties; providing for future review and repeal of the pilot program; autho-

ricing the department to set speed limits within enhanced penalty zones; directing the department to adopt a uniform system of traffic control devices to be used within the zones; prohibiting operation of a vehicle at a speed greater than that posted in the enhanced penalty zone; directing the Department of Highway Safety and Motor Vehicles to tabulate citations issued within enhanced penalty zones and make available certain information; directing the Department of Transportation, the Department of Highway Safety and Motor Vehicles, and the Department of Education to conduct a study and report to the Governor and the Legislature for certain purposes; amending s. 318.18, F.S.; specifying criteria for posting in a construction zone; providing penalties for violation of posted speed in an enhanced penalty zone; amending s. 318.21, F.S.; correcting cross-references to conform to changes made by the act; providing for disposition of fines collected; reenacting ss. 318.14(2), (5), and (9), 318.15(1)(a) and (2), 318.21(7), 402.40(4)(b), and 985.406(4)(b), F.S., relating to noncriminal traffic infraction procedures, failure to comply with civil penalty or to appear, disposition of civil penalties by county courts, child welfare training, and juvenile justice training academies, respectively, for the purpose of incorporating the amendment made to s. 318.18, F.S., in references thereto; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By Representative Attkisson—

HB 1483—A bill to be entitled An act relating to the Grove Community District, Okeechobee County; providing a short title; creating the Grove Community District; providing for findings, determinations, ascertainments, intent, purpose, definitions, and policy; providing a charter; providing jurisdiction; providing boundaries; providing powers of the district; creating the district as a special, limited, and single-purpose independent district, an independent local government, and corporate body politic, to provide community development infrastructure; providing for authority, boundaries, jurisdiction, and charter amendment; providing for a governing board and terms of office and duties thereof; providing for elections; providing for a district manager; providing for bonds; providing for borrowing; providing for future transition to ad valorem taxation; providing for special assessments; providing for issuance of certificates of indebtedness; providing for tax liens; providing minimum charter requirements; providing for the applicability of and compliance with provisions of chapter 189, Florida Statutes, and other general laws; providing for election of an incorporation committee to review feasibility of incorporating the district as a municipality; providing for severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Galvano and others—

HB 1503—A bill to be entitled An act relating to persons with disabilities; amending s. 20.197, F.S.; requiring the director of the Agency for Persons with Disabilities to be subject to confirmation by the Senate; requiring the agency to create a Division of Budget and Planning and a Division of Operations; authorizing the director to recommend creating additional subdivisions of the agency in order to promote efficient and effective operation of the agency; amending s. 39.001, F.S., relating to the development of a comprehensive state plan for children; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending s. 39.202, F.S.; providing for certain employees, agents, and contract providers of the agency to have access to records concerning cases of child abuse or neglect for specified purposes; amending s. 39.407, F.S.; deleting provisions authorizing the treatment of a child under ch. 393, F.S., if the child is alleged to be dependent; amending s. 287.155, F.S.; authorizing the agency to purchase vehicles under certain circumstances; amending ss. 381.0072 and 383.14, F.S., relating to food service licenses and the Genetics and Newborn Screening Advisory Council, respectively; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family

Services to the Agency for Persons with Disabilities; repealing s. 393.061, F.S., relating to a short title; amending s. 393.062, F.S.; revising legislative findings and intent to conform to changes in terminology; amending s. 393.063, F.S.; revising the definitions applicable to ch. 393, F.S., relating to developmental disabilities; amending s. 393.064, F.S.; revising the duties of the Agency for Persons with Disabilities with respect to prevention services, evaluations and assessments, intervention services, and support services; amending s. 393.0641, F.S.; defining the term “severe self-injurious behavior” for purposes of a program of prevention and treatment for individuals exhibiting such behavior; amending s. 393.065, F.S., relating to application for services and the determination of eligibility for services; providing for children in the child welfare system to be placed at the top of the agency’s wait list for waiver services; authorizing the agency to adopt rules; amending s. 393.0651, F.S., relating to support plans for families and individuals; revising the age at which support plans are developed for children; deleting a prohibition against assessing certain fees; creating s. 393.0654, F.S.; specifying circumstances under which an employee of the agency may own, operate, or work in a private facility under contract with the agency; amending s. 393.0655, F.S.; revising the screening requirements for direct service providers; providing a temporary exemption from screening requirements for certain providers; amending s. 393.0657, F.S.; revising an exemption from certain requirements for fingerprinting and rescreening; amending s. 393.066, F.S.; revising certain requirements for the services provided by the agency; requiring agency approval for purchased services; revising the agency’s rulemaking authority; amending s. 393.067, F.S.; revising requirements governing the agency’s licensure procedures; revising the requirements for background screening of applicants for licensure and managers, supervisors, and staff members of service providers; requiring that the agency adopt rules governing the reporting of incidents; deleting certain responsibilities of the Agency for Health Care Administration with respect to the development and review of emergency management plans; amending s. 393.0673, F.S.; providing circumstances under which the agency may deny, revoke, or suspend a license or impose a fine; requiring the Agency for Persons with Disabilities to adopt rules for evaluating violations and determining the amount of fines; amending s. 393.0674, F.S.; providing a penalty for failure by a provider to comply with background screening requirements; amending s. 393.0675, F.S.; deleting certain obsolete provisions requiring that a provider be of good moral character; amending s. 393.0678, F.S.; deleting provisions governing receivership proceedings for an intermediate care facility for the developmentally disabled; amending s. 393.068, F.S.; requiring that the family care program emphasize self-determination; removing supported employment from the list of services available under the family care program; revising certain requirements for reimbursing a family care program provider; amending s. 393.0695, F.S., relating to in-home subsidies; requiring that the Agency for Persons with Disabilities adopt rules for such subsidies; amending s. 393.075, F.S., relating to liability coverage for facilities licensed by the agency; conforming terminology; amending s. 393.11, F.S.; revising provisions governing the involuntary admission of a person to residential services; clarifying provisions governing involuntary commitment; requiring that a person who is charged with a felony will have his or her competency determined under ch. 916, F.S.; conforming terminology; amending s. 393.122, F.S.; clarifying requirements governing applications for continued residential services; amending s. 393.13, F.S., relating to the Bill of Rights of Persons Who are Developmentally Disabled; deleting a provision protecting minimum wage compensation for certain programs; limiting the use of restraint and seclusion; requiring the agency to adopt rules governing the use of restraint or seclusion; revising requirements for client records; deleting certain requirements governing local advocacy councils; allowing the resident government to include disability advocates from the community; amending s. 393.135, F.S.; revising definitions; clarifying provisions making such misconduct a second-degree felony; amending s. 393.15, F.S.; establishing the Community Resources Development Loan Program to provide loans to foster homes, group homes, and supported employment programs; providing legislative intent; providing eligibility requirements; providing authorized uses of loan funds; requiring that the agency adopt rules governing the loan program; providing requirements for repaying loans; amending s. 393.17, F.S.; authorizing the agency to establish certification programs for persons providing services to clients; requiring that the agency establish a certification program for behavior analysts; requiring that the program be reviewed and validated; creating s. 393.18, F.S.; providing for a comprehensive transition education program for persons who have severe or moderate maladaptive behaviors; specifying the types of treatment and education centers providing

services under the program; providing requirements for licensure; requiring individual education plans for persons receiving services; limiting the number of persons who may receive services in such a program; authorizing licensure of certain existing programs; creating s. 393.23, F.S.; requiring that receipts from operating canteens, vending machines, and other like activities in a developmental disabilities institution be deposited in a trust account in a bank, credit union, or savings and loan association; describing how the moneys earned may be expended; allowing for the investment of the funds; requiring that the accounting system at the institution account for the revenues and expenses of the activities; requiring that sales tax moneys be remitted to the Department of Revenue; amending s. 393.501, F.S.; revising the agency's rulemaking authority; providing requirements for rules governing alternative living centers and independent living education centers; amending s. 394.453, F.S.; declaring that the policy of the state is to achieve an ongoing reduction of the use of restraint and seclusion on persons with mental illness who are served by programs and facilities operated, licensed, or monitored by the agency; amending s. 394.455, F.S.; defining the terms "restraint" and "seclusion" for purposes of the Baker Act; amending s. 394.457, F.S.; requiring the Department of Children and Family Services to adopt rules for the use of restraint and seclusion for cases handled under the Baker Act; amending s. 394.879, F.S.; requiring that rules be adopted for the use of restraint and seclusion; amending s. 397.405, F.S.; clarifying an exemption from licensure provided to certain facilities licensed under ch. 393, F.S.; amending s. 400.419, F.S.; requiring that a list of facilities subject to sanctions or fines be disseminated to the Agency for Persons with Disabilities; amending s. 400.960, F.S.; revising definitions for purposes of part XI of ch. 400, F.S., relating to nursing homes and related facilities; amending 400.962, F.S.; requiring an applicant for a license to operate an intermediate care facility to agree to provide or arrange for active treatment services; providing rulemaking authority; amending s. 400.967, F.S., relating to rules and classification of deficiencies; conforming provisions to the transfer of duties from the Department of Children and Family Services to the Agency for Persons with Disabilities; requiring that rules be adopted for the use of restraint and seclusion; amending ss. 402.115, 402.17, 402.181, 402.20, 402.22, and 402.33, F.S.; including the Agency for Persons with Disabilities within provisions governing the sharing of information, claims for the care and maintenance of facility residents, county contracts for services for persons with developmental disabilities, education programs for students who reside in state facilities, and fees for services; conforming provisions to changes made by the act; correcting a cross-reference; amending s. 408.036, F.S., relating to projects that are exempt from obtaining a certificate of need; conforming terminology; amending s. 409.221, F.S., relating to the consumer directed care program; conforming provisions to changes made by the act; amending ss. 409.908 and 409.9127, F.S., relating to the Medicaid program; conforming a cross-reference; deleting obsolete provisions; amending ss. 411.224 and 411.232, F.S.; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending ss. 415.102, 415.1035, 415.1055, and 415.107, F.S.; conforming terminology; including the Agency for Persons with Disabilities within provisions providing requirements that a facility inform residents of certain rights, notification requirements for administrative entities, and requirements for maintaining the confidentiality of reports and records; amending s. 435.03, F.S., relating to screening standards; conforming terminology and a cross-reference; amending ss. 490.014 and 491.014, F.S., relating to exemptions from licensure for psychologists and certain specified counselors, respectively; conforming provisions to changes made by the act; amending ss. 944.602, 945.025, 947.185, and 985.224, F.S., relating to the Department of Corrections, the Parole Commission, and petitions alleging delinquency; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending s. 1003.58, F.S.; including facilities operated by the Agency for Persons with Disabilities within provisions governing the residential care of students; amending ss. 17.61 and 400.464, F.S., relating to investment of certain funds and home health services for persons with disabilities, respectively; conforming provisions to changes made by the act; amending s. 744.704, F.S.; correcting a cross-reference; amending s. 984.22, F.S.; removing a provision that specifies fines be deposited into the Community Resources Development Trust Fund; creating part III of ch. 282, F.S.; requiring that the executive, legislative, and judicial branches of state government provide to individuals with disabilities access to and use of information and data that is comparable to the information and data provided to individuals who do not have disabilities; providing certain exceptions; providing

definitions; requiring that each state agency use accessible electronic information and information technology that conforms with specified provisions of federal law; providing certain exceptions; requiring the Department of Management Services to adopt rules; providing an exception for electronic information and information technology involving military activities or criminal intelligence activities; specifying that the act applies to competitive solicitations; providing legislative intent; providing an effective date.

—was referred to the Committees on Children and Families; Health Care; Judiciary; and Health and Human Services Appropriations.

By Representative Proctor—

HB 1509—A bill to be entitled An act relating to Flagler Estates Road and Water Control District, St. Johns County; amending chapter 98-529, Laws of Florida; providing additional powers of the district to construct, operate, maintain, repair, and replace works and improvements necessary to execute the district's water control plan; specifying applicability of certain general law; providing for an interlocal agreement; revising district boundaries; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Poppell—

HB 1559—A bill to be entitled An act relating to Brevard County; creating the Viera Stewardship District; providing a short title; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.404(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a board of supervisors and establishing membership criteria and election procedures; providing for board members' terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing for required notices to purchasers of residential units within the district; providing severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Kendrick and others—

HB 1563—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; revising the date until which a confidential and exempt social security number or an exempt complete bank account, debit, charge, or credit card number included in a court file may be included as part of a court record available for public inspection and copying unless redaction is requested; providing that the clerk of the circuit court has no liability for the inadvertent release of certain confidential and exempt social security numbers or exempt bank account, debit, charge, or credit card numbers; revising the date until which a social security number or a complete bank account, debit, charge, or credit card number included in a document presented to the county recorder for recording in the official records of the county may be made available as part of the official record available for public inspection and copying; requiring the county recorder to use his or her best efforts to redact all social security numbers and complete bank account, debit, charge, or credit card numbers from electronic copies of official records documents; providing that the county recorder is not liable for the inadvertent release of certain confidential and exempt social security numbers or exempt bank account, debit, charge, or credit card numbers;

revising the date on which the clerk of the circuit court and the county recorder must commence keeping complete bank account, debit, charge, and credit card numbers exempt and must commence keeping social security numbers confidential and exempt without any person having to request redaction; making editorial changes; reenacting s. 1007.35(8)(b), F.S., relating to access to information necessary to evaluate the effectiveness of delivered services from the Florida Partnership for Minority and Underrepresented Student Achievement, to incorporate the amendments made to s. 119.071, F.S., in a reference thereto; providing an effective date.

—was referred to the Committees on Judiciary; Governmental Oversight and Productivity; Justice Appropriations; and Rules and Calendar.

By Representative Reagan—

HB 1579—A bill to be entitled An act relating to the Sarasota Manatee Airport Authority; amending chapter 2003-309, Laws of Florida; authorizing and empowering the authority to be and serve as a local agency under pt. II of ch. 159, F.S., the Florida Industrial Development Financing Act; eliminating the aggregate limit on outstanding industrial development revenue bonds issued by the authority; deleting hyphens in “Sarasota-Manatee Airport Authority” and “Sarasota-Bradenton International Airport”; substituting the Transportation Security Administration for the Federal Aviation Administration as the federal agency authorized to enforce security programs; changing the reference to adjacent campus from “University of South Florida” to “New College of Florida” for purposes of defining the term “airport grounds”; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Smith and others—

HB 1589—A bill to be entitled An act relating to specialty license plates; amending s. 320.08056, F.S.; revising specialty license plate use fee provisions to change a name; establishing an annual use fee for the Homeownership For All license plate; exempting collegiate license plates from discontinuance requirements; amending s. 320.08058, F.S.; revising authorized uses of the use fees received from sales of the Keep Kids Drug-Free license plate; changing the name of the Florida Memorial College license plate to the Florida Memorial University license plate; revising authorized uses of the use fees received from sales of the Sportsmen's National Land Trust license plate; creating the Homeownership For All license plate and providing for distribution of the fees received from sales of the plate; amending s. 320.0807, F.S.; creating special license plates for legislative presiding officers; amending s. 320.08056, F.S.; establishing an annual use fee for the Future Farmers of America license plate; amending s. 320.08058, F.S.; creating the Future Farmers of America license plate and providing for use of funds received from the sale of the plates; providing an effective date.

—was referred to the Committees on Transportation; and Transportation and Economic Development Appropriations.

By Representative Barreiro—

HB 1593—A bill to be entitled An act relating to cybercrime; creating s. 16.61, F.S.; creating the Cybercrime Office within the Department of Legal Affairs; authorizing the office to investigate certain violations of state law pertaining to the sexual exploitation of children; providing that investigators employed by the office are law enforcement officers of the state; authorizing the Attorney General to carry out certain duties and responsibilities; requiring the Attorney General to provide notice of an arrest to the local sheriff; providing an effective date.

—was referred to the Committees on Judiciary; Justice Appropriations; and Ways and Means.

By Representative Murzin and others—

HB 1619—A bill to be entitled An act relating to education and vocational training; amending s. 477.013, F.S.; providing and amending definitions; redefining “cosmetology” to include hair technician, esthetician, and nail technician services; including body wrapping within esthetician services; removing a distinction between specialty salons and other salons; creating s. 477.0131, F.S.; authorizing licensure for hair technicians, estheticians, nail technicians, and cosmetologists; amending s. 477.0132, F.S.; requiring passage of a specified course to receive a hair braiding registration; increasing the total hours of instruction and modifying the content of instruction required to constitute a hair braiding course; providing an exemption from a portion of required hair braiding coursework; eliminating future body wrapping registrations; authorizing renewal of current body wrapping registrations; specifying that only the Board of Cosmetology may review, evaluate, and approve required text; amending s. 477.014, F.S.; revising requirements for qualification to practice under ch. 477, F.S.; authorizing current specialists to sit for licensure examinations in certain circumstances; providing for the renewal of current specialty registrations; amending s. 477.019, F.S.; revising qualification, education, licensure and renewal, supervised practice, and endorsement requirements for cosmetologist licenses to include and differentiate qualification, education, licensure and renewal, supervised practice, and endorsement requirements for hair technician, esthetician, and nail technician licenses; requiring the board to adopt certain procedures relating to licensure by endorsement; amending s. 477.0212, F.S.; increasing fee caps for the reactivation of an inactive license; requiring the board to adopt certain rules relating to license renewal or continuing education; amending s. 477.023, F.S.; stipulating that the Department of Education is not prevented from issuing grooming and salon services certification; creating s. 477.0231, F.S.; providing for cosmetology internships; providing requirements for the board, cosmetology interns, internship sponsors, and cosmetology salons relating to cosmetology internships; amending s. 477.025, F.S., relating to cosmetology and specialty salons, requisites, licensure, inspection, and mobile cosmetology salons, to conform; amending s. 477.026, F.S.; revising fee provisions to conform; increasing fee caps for certain fees; providing a fee cap for internship sponsors; amending s. 477.0263, F.S., to conform; specifying circumstances under which cosmetology or specialty services may be practiced outside of a licensed salon; amending s. 477.0265, F.S., relating to prohibited acts, to conform; amending s. 477.028, F.S., relating to disciplinary proceedings, to conform; amending s. 477.029, F.S., relating to penalties, to conform; repealing s. 477.0201, F.S., relating to specialty registration, qualifications, registration renewal, and endorsement; amending s. 1001.43, F.S., relating to district school board powers and duties; allowing students to wear sun-protective items while outdoors during school hours; authorizing use of federal funds to purchase food when federal program guidelines permit such use; amending s. 1003.02, F.S.; requiring certain district school boards to request proposals from at least two class ring vendors annually; requiring public access to information; providing criteria for selection of such vendors; requiring that the purchase of a class ring may be through any vendor marketing class rings and that a student may participate in related ceremonies or activities regardless of the vendor through which the purchase was made; requiring certain district school boards to request proposals from at least two photographers annually; requiring public access to information; allowing student choice of photographer; permitting the inclusion of certain photographs in student yearbooks; amending s. 1006.22, F.S.; revising provisions for district school board transportation of students in vehicles other than school buses; authorizing use of such vehicles for trips to and from certain sites and activities; revising criteria for such vehicles and their use; requiring district school boards and charter schools to adopt a policy that addresses procedures and liability for trips using vehicles other than school buses; amending ss. 1013.501 and 1013.502, F.S.; redesignating the Florida Business and Education in School Together (Florida BEST) Program as A Business-Community School (ABC'S) Program; providing an effective date.

—was referred to the Committees on Education; Children and Families; and Education Appropriations.

By Representative Jennings and others—

HB 1629—A bill to be entitled An act relating to the Gainesville-Alachua County Regional Airport Authority; codifying, reenacting, amending, and repealing chapters 86-469, 89-433, and 95-457, Laws of

Florida, relating to the authority; providing a short title; providing definitions; providing purpose of the authority; providing for membership, organization, restrictions, and powers and duties of the authority; requiring a budget; specifying relationship between the authority and local governments; providing for conveyance of land to the authority; authorizing issuance of bonds; specifying covenant of the state; authorizing an alcoholic beverage license; providing for purchasing and award of contracts; prohibiting discrimination; authorizing the right to sue and be sued; providing for severability; prohibiting supersession of certain laws and grant assurances; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Fiscal Council; and Representative Negron and others—

HB 5043—A bill to be entitled An act relating to trust funds; terminating certain specified trust funds within the Department of Agriculture and Consumer Services and transferring the funds to other trust funds in the department; renaming trust funds within the Department of Agriculture and Consumer Services, the Department of the Lottery, and the Division of Administrative Hearings of the Department of Management Services; transferring certain accounts within the Grants and Donations Trust Fund of the Department of Management Services to the Operating Trust Fund of the Department of Management Services; amending ss. 215.20, 550.2625, 550.2633, 570.382, 215.22, 589.277, 24.114, 24.120, 24.121, 403.518, 403.5365, 403.9421, 552.40, 282.22, 287.042, 287.057, and 287.1345, F.S.; conforming provisions to changes made by the act; reenacting s. 550.0351(4), F.S., relating to charity racing days, to incorporate the amendments made to s. 550.2625, F.S., in a reference thereto; reenacting ss. 43.16(1) and 570.07(41), F.S., relating to exempting the Justice Administrative Commission from certain fees and authorizing the use of the on-line procurement system of the Department of Agriculture and Consumer Services, respectively, to incorporate the amendments made to s. 287.057, F.S., in references thereto; amending s. 794.055, F.S.; revising and providing definitions; requiring the Department of Health to contract with a statewide non-profit association to provide assistance to rape crisis centers; providing for distribution of funds; amending s. 794.056, F.S.; providing for funds to be credited to the Rape Crisis Program Trust Fund; providing effective dates.

—was referred to the Committees on General Government Appropriations; and Ways and Means.

By the Committee on Health Care Regulation; and Representative Garcia and others—

HB 7073—A bill to be entitled An act relating to health care information; providing a short title; providing purpose; amending s. 408.05, F.S.; renaming the State Center for Health Statistics; revising criteria for collection and use of certain health-related data; providing responsibilities of the Agency for Health Care Administration; providing for agency consultation with the State Consumer Health Information and Policy Advisory Council for the dissemination of certain consumer information; requiring the Florida Center for Health Information and Policy Analysis to provide certain technical assistance services; authorizing the agency to monitor certain grants; removing a provision that establishes the Comprehensive Health Information System Trust Fund as the repository of certain funds; renaming the State Comprehensive Health Information System Advisory Council; providing for duties and responsibilities of the State Consumer Health Information and Policy Advisory Council; providing for membership, terms, officers, and meetings; amending s. 408.061, F.S.; providing for health care providers to submit additional data to the agency; correcting a reference; amending s. 408.062, F.S.; revising provisions relating to availability of specified information on the agency's Internet website; requiring a report; removing an obsolete provision; authorizing the agency to develop an electronic health information network; amending ss. 20.42, 381.001, 395.602, 395.6025, 408.07, and 408.18, F.S.; conforming references to changes made by the act; amending ss. 381.026, 395.301, 627.6499, and 641.54, F.S.; conforming a cross-reference; amending s. 465.0244, F.S.; conforming a cross-reference; providing responsibility of the Agency for Health Care Administration for security of certain data and backup systems;

providing requirements for a secure storage facility; providing an effective date.

—was referred to the Committees on Health Care; and Health and Human Services Appropriations.

By the Committee on Transportation; and Representative Evers and others—

HB 7079—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 207.008, F.S.; revising requirements for motor carriers to retain certain records as required by the Department of Highway Safety and Motor Vehicles for tax purposes; amending s. 207.021, F.S.; authorizing the department to adopt rules establishing informal conferences to resolve disputes with motor carriers arising from the assessment of taxes, penalties, or interest or the denial of refunds; specifying certain rights of the motor carrier; providing for closing agreements to settle or compromise the taxpayer's liability; providing conditions for settlement or compromise; authorizing installment payment to settle liability; amending s. 261.10, F.S.; limiting liability of state agencies, water management districts, counties, and municipalities, and officers and employees thereof, providing off-highway vehicle recreation areas; creating s. 261.20, F.S.; authorizing operation of off-highway vehicles on public lands; providing requirements for operation by certain minors; requiring supervision, a certificate of completion of a safety education course, and certain safety equipment; providing exceptions; requiring approval by the Department of Agriculture and Consumer Services of the courses; requiring certain equipment on off-highway vehicles; providing for exceptions to equipment requirements by rule of the department; prohibiting certain acts; providing penalties; providing exemptions; amending s. 316.003, F.S.; revising the definition of "saddle mount" to provide for a full mount; amending s. 316.0085, F.S.; revising provisions for risks of certain activities on government-owned property to include mountain and off-road bicycling; revising definitions; providing for limitations on liability of the governmental entity; providing exceptions to the limitations; providing for assumption of risks by the person engaged in the activity; providing responsibilities of the participants; amending s. 316.1001, F.S.; revising procedures for disposition of citations issued for failure to pay a toll; providing for violations involving leased vehicles; amending s. 316.1955, F.S.; providing for responsibility for certain parking violations involving leased vehicles; amending s. 316.2015, F.S.; revising restrictions on riding on the exterior of a vehicle; removing an exception; providing exceptions to restrictions on riding in areas of a vehicle not intended for passengers; amending s. 316.2095, F.S.; deleting a requirement that certain motorcycles be equipped with passenger handholds; amending s. 316.211, F.S.; requiring motorcycles registered to certain persons to display a license plate that is unique in design and color; providing penalties; creating s. 316.2123, F.S.; prohibiting operation of all-terrain vehicles on public roads and streets; providing an exception for operation on described roadways; providing conditions; requiring the operator to provide proof of ownership to a law enforcement officer; providing for a local government to restrict such operation; amending s. 316.2125, F.S.; providing for a local governmental entity to enact an ordinance regarding golf cart operation and equipment that is more restrictive than specified provisions; limiting application of such ordinance to unlicensed drivers; creating s. 316.2128, F.S.; providing notice requirements for commercial sale of motorized scooters and miniature motorcycles; providing a definition; providing that a violation of the notice requirements is an unfair and deceptive trade practice; amending s. 316.221, F.S.; providing an exemption from certain taillamp requirements for dump trucks and vehicles with dump bodies; amending s. 316.302, F.S.; updating reference to federal commercial motor vehicle regulations; revising hours-of-service requirements for certain intrastate motor carriers; revising conditions for an exemption from commercial driver license requirements; revising weight requirements for application of certain exceptions to specified federal regulations and to operation of certain commercial motor vehicles by persons of a certain age; amending s. 316.515, F.S.; authorizing the Department of Transportation to issue overwidth permits for certain implements of husbandry; authorizing certain uses of forestry equipment; providing width and speed limitations; requiring such vehicles to be operated during daylight hours and in accordance with specified safety requirements; revising length and mount requirements for automobile towaway and driveaway operations; authorizing saddle mount combinations to include one full mount; requiring saddle mount combinations to comply with specified safety regulations; amending s. 318.14, F.S.; providing exceptions to procedures for disposition of

citations for certain traffic violations; removing the option for certain offenders to attend driver improvement school; amending s. 318.143, F.S.; revising provisions for court-imposed sanctions on a minor for specified traffic violations; authorizing a court to require a minor and his or her parents or guardian to participate in a registered youthful driver monitoring service; creating s. 318.1435, F.S.; providing for youthful driver monitoring services; providing for registration with the Department of Highway Safety and Motor Vehicles; amending s. 318.18, F.S.; revising penalty provisions to provide for certain criminal penalties; providing increased penalties for certain speed limit violations; defining "conviction" for specified purposes; increasing penalties for violations of vehicle load requirements; imposing a surcharge to be paid for specified traffic-related criminal offenses and all noncriminal moving traffic violations; providing for the proceeds of the surcharge to be used for the state agency law enforcement radio system; amending s. 318.21, F.S.; revising provisions for disposition of civil penalties to provide for distribution of a specified surcharge; amending s. 318.19, F.S.; requiring mandatory hearings for certain speed limit violations; amending s. 318.32, F.S.; revising the powers of civil traffic infraction hearing officers; amending s. 320.015, F.S.; revising provisions relating to the taxation of mobile homes to clarify when specified prefabricated or modular housing units shall be taxed as real property; providing construction with respect to display homes or other inventory being held for sale by a manufacturer or dealer of modular housing units; amending s. 320.02, F.S.; requiring proof of required endorsement on a driver license as a condition for original registration of a motorcycle, motor-driven cycle, or moped; amending s. 320.03, F.S.; revising the requirement to withhold issuance of a license plate or revalidation sticker from certain persons to exempt the owner of a leased vehicle when that vehicle is registered in the name of the lessee; amending s. 320.07, F.S.; providing for responsibility for certain registration violations when the motor vehicle involved is leased and registered in the name of the lessee; amending s. 320.0706, F.S.; revising requirements for display of license plates; providing display requirements for dump trucks; prohibiting display in such a manner that the letters and numbers and their proper sequence are not readily identifiable; amending s. 320.08056, F.S.; establishing an annual use fee for the Future Farmers of America license plate; amending s. 320.08058, F.S.; revising provisions for distribution of revenues received from the sale of Sportsmen's National Land Trust license plates; creating the Future Farmers of America license plate and providing for use of funds received from the sale of the plates; amending s. 320.0807, F.S.; providing for license plates for legislative presiding officers; amending s. 320.089, F.S.; providing for Operation Iraqi Freedom and Operation Enduring Freedom license plates for qualified military personnel; amending s. 320.27, F.S.; revising motor vehicle dealer licensing requirements; revising certain training provisions; correcting terminology; correcting a cross-reference; providing for denial, suspension, or revocation of a license for failure to register a mobile home salesperson; amending s. 320.405, F.S.; authorizing the department to enter into agreements to schedule payments to settle certain liabilities under the International Registration Plan; amending s. 320.77, F.S.; revising mobile home dealer license requirements; defining "mobile home salesperson"; requiring licenses to register salespersons; providing registration criteria and procedures; requiring the licensee to report salesperson separation from employment to the department; amending s. 320.781, F.S.; revising criteria for use of funds in the Mobile Home and Recreational Vehicle Protection Trust Fund to settle a judgment or claim against a mobile home or recreational vehicle dealer or broker for damages, restitution, or expenses; revising conditions for filing a claim and for receiving payment; revising application provisions; amending s. 322.01, F.S.; revising the definition of "driver's license"; defining "identification card," "temporary driver's license," and "temporary identification card"; amending s. 322.05, F.S.; revising requirements for a person who has not attained 18 years of age to be issued a driver license; amending s. 322.051, F.S.; revising the age requirement for issuance of an identification card; revising criteria for proof of the identity and status of an applicant for an identification card; revising the period of issuance for certain temporary identification cards; amending s. 322.08, F.S.; revising criteria for proof of the identity and status of an applicant for a driver license; revising the period of issuance for certain temporary driver licenses or permits; amending s. 322.12, F.S.; requiring all first-time applicants for licensure to operate a motorcycle to provide proof of completion of a motorcycle safety course; amending s. 322.121, F.S.; revising periodic license examination requirements; providing for such testing of applicants for renewal of a license under provisions requiring an endorsement permitting the applicant to operate a tank vehicle transporting hazardous materials; amending s. 322.2615, F.S.; revising provisions for suspension of driver

licenses and review of suspension by the department; revising procedures; revising terms of suspension; revising validity of temporary permit issued; revising criteria for notice of the suspension; revising requirements for information provided by the officer to the department; providing that certain materials shall be considered self-authenticating and available to a hearing officer; revising authority of the hearing officer to subpoena and question witnesses; revising provisions for review of the suspension; removing provision for the department and the person arrested to subpoena witnesses; revising provisions for the scope of a review of the suspension; revising duties of the department upon a determination by the hearing officer; revising provisions for issuance of a license for business or employment purposes only; providing for appeal by a law enforcement agency of a department decision invalidating a suspension; providing that the court review may not be used in a trial for driving under the influence; amending s. 322.27, F.S.; providing for an increase in driver license points assessed for certain speed limit violations and for traffic control signal device violations resulting in a crash; defining "conviction" for specified purposes; amending s. 320.08056, F.S.; exempting collegiate license plates from the requirement for maintaining a specified number of license plate registrations; amending s. 316.172, F.S.; providing for school bus stop zones; prohibiting exceeding the posted speed limit within such zones; providing penalties; amending s. 318.18, F.S.; providing a penalty for exceeding the posted speed limit in a school bus stop zone by a certain speed; providing a short title; amending s. 316.006, F.S.; authorizing the board of directors of a homeowner's association to provide for local law enforcement agencies to enforce state traffic laws on private roads that are controlled by the association; amending s. 318.1215, F.S.; increasing the amount of a local option surcharge on traffic penalties; amending s. 318.15, F.S.; providing for the collection of certain service charges by authorized driver licensing agents; amending s. 320.08056, F.S.; exempting collegiate license plates from the requirement for maintaining a specified number of license plate registrations; amending s. 627.733, F.S.; revising security requirements for certain vehicles; amending s. 324.032, F.S.; revising financial responsibility requirements for certain for-hire vehicles; directing the department to study the outsourcing of its driver license services to a provider or other governmental agency, in whole or in part, while retaining responsibility and accountability for the services; requiring that the department submit a report to the Governor and Legislature by a specified date; providing requirements for the department with respect to issues to be included in the study; requiring a cost-benefit analysis and a transition and implementation plan; amending s. 206.606, F.S.; authorizing the use of certain funds for local boating related projects and activities; amending s. 327.59, F.S.; authorizing marina owners, operators, employees, and agents to take actions to secure vessels during severe weather and to charge fees and be held harmless for such service; holding marina operators, employees, and agents liable for damage caused by intentional acts or negligence while removing or securing vessels; authorizing contract provisions and providing contract notice requirements relating to removing or securing vessels; amending s. 327.60, F.S.; providing for local regulation of anchoring within mooring fields; amending s. 328.64, F.S.; requiring the Department of Highway Safety and Motor Vehicles to provide forms for certain notification related to vessels; requiring the department to provide by rule for the surrender and replacement of certificates of registration to reflect change of address; amending s. 328.72, F.S.; requiring counties to use funds for specific boating related purposes; requiring counties to provide reports demonstrating specified expenditure of such funds; providing penalties for failure to comply; amending s. 376.11, F.S.; authorizing the distribution of revenues from the Florida Coastal Protection Trust Fund to all local governments for the removal of certain vessels; amending s. 376.15, F.S.; revising provisions relating to the removal of abandoned and derelict vessels; specifying officers authorized to remove such vessels; providing that certain costs are recoverable; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; expanding eligibility for disbursement of grant funds for the removal of certain vessels; amending s. 403.813, F.S.; providing exemptions from permitting, registration, and regulation of floating vessel platforms or floating boat lifts by a local government; authorizing local governments to require certain permits or registration for floating vessel platforms or floating boat lifts under certain circumstances; amending s. 705.101, F.S.; revising the definition of "abandoned property" to include certain vessels; amending s. 705.103, F.S.; revising the terminology relating to abandoned or lost property to conform; amending s. 823.11, F.S.; revising provisions relating to abandoned and derelict vessels and the removal of such vessels; providing a definition of "derelict vessel"; specifying which officers may

remove such vessels; directing the Fish and Wildlife Conservation Commission to implement a plan for the procurement of federal disaster funds for the removal of derelict vessels; requiring the Department of Legal Affairs to represent the commission in certain actions; deleting a provision authorizing the commission to delegate certain authority to local governments under certain circumstances; authorizing private property owners to remove certain vessels with required notice; providing that cost of such removal is recoverable; prohibiting private property owners from hindering the removal of certain vessels by vessel owners or agents; providing for jurisdictional imposition of civil penalties for violations relating to certain vessels; providing that riparian rights shall include the right to moor a vessel under certain conditions; providing effective dates.

—was referred to the Committees on Transportation; Criminal Justice; Domestic Security; Government Efficiency Appropriations; and Transportation and Economic Development Appropriations.

By the Committee on Environmental Regulation; and Representative Needelman and others—

HB 7131—A bill to be entitled An act relating to the redevelopment of brownfields; amending ss. 199.1055, 220.1845, 376.30781, 376.80, and 376.86, F.S.; increasing the amount and percentage of the credit that may be applied against the intangible personal property tax and the corporate income tax for the cost of voluntary cleanup of a contaminated site; increasing the amount that may be received by the taxpayer as an incentive to complete the cleanup in the final year; increasing the total amount of credits that may be granted in any year; providing tax credits for voluntary cleanup activities related to solid waste disposal facilities; providing criteria for eligible sites and activities; increasing the amount of the Brownfield Areas Loan Guarantee; reducing the job creation requirements; directing the Department of Environmental Protection to apply certain criteria, requirements, and limitations for implementation of such provisions; providing certain exceptions; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to aggressively market brownfields; amending ss. 196.012 and 196.1995, F.S., to include brownfield areas in the implementation of the economic development ad valorem tax exemption authorized under s. 3, Art VII of the Florida Constitution; repealing s. 376.87, F.S., relating to the Brownfield Property Ownership Clearance Assistance; repealing s. 376.875, F.S., relating to the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund; amending s. 14.2015, F.S.; deleting a reference to the trust fund to conform; providing an effective date.

—was referred to the Committees on Environmental Preservation; Commerce and Consumer Services; Government Efficiency Appropriations; General Government Appropriations; and Ways and Means.

By the Committee on Health Care Regulation; and Representative Garcia—

HB 7141—A bill to be entitled An act relating to the licensure of health care providers; creating pts. I, II, III, and IV of ch. 408, F.S.; creating s. 408.801, F.S.; providing a short title; providing legislative findings and purpose; creating s. 408.802, F.S.; providing applicability; creating s. 408.803, F.S.; providing definitions; creating s. 408.804, F.S.; requiring providers to have and display a license; providing limitations; creating s. 408.805, F.S.; establishing license fees and conditions for assessment thereof; providing a method for calculating annual adjustment of fees; providing for inspection fees; providing that fees are nonrefundable; creating s. 408.806, F.S.; providing a license application process; requiring specified information to be included on the application; requiring payment of late fees under certain circumstances; requiring inspections; providing an exception; authorizing the Agency for Health Care Administration to establish procedures and rules for electronic transmission of required information; creating s. 408.807, F.S.; providing procedures for change of ownership; requiring the transferor to notify the agency in writing within a specified time period; providing for duties and liability of the transferor; providing for maintenance of certain records; creating s. 408.808, F.S.; providing license categories and requirements therefor; creating s. 408.809, F.S.; requiring background screening of specified employees; providing for submission of proof of compliance, under certain circumstances; providing conditions for grant-

ing provisional and standard licenses; providing an exception to screening requirements; creating s. 408.810, F.S.; providing minimum licensure requirements; providing procedures for discontinuance of operation and surrender of license; requiring forwarding of client records; requiring publication of a notice of discontinuance of operation of a provider; providing for statewide toll-free telephone numbers for reporting complaints and abusive, neglectful, and exploitative practices; requiring proof of legal right to occupy property, proof of insurance, and proof of financial viability, under certain circumstances; requiring disclosure of information relating to financial instability; providing a penalty; prohibiting the agency from licensing a health care provider that does not have a certificate of need or an exemption; creating s. 408.811, F.S.; providing for inspections and investigations to determine compliance; providing that inspection reports are public records; requiring retention of records for a specified period of time; creating s. 408.812, F.S.; prohibiting certain unlicensed activity by a provider; requiring unlicensed providers to cease activity; providing penalties; requiring reporting of unlicensed providers; creating s. 408.813, F.S.; authorizing the agency to impose administrative fines; creating s. 408.814, F.S.; providing conditions for the agency to impose a moratorium or emergency suspension on a provider; requiring notice; creating s. 408.815, F.S.; providing grounds for denial or revocation of a license or change-of-ownership application; providing conditions to continue operation; exempting renewal applications from provisions requiring the agency to approve or deny an application within a specified period of time, under certain circumstances; creating s. 408.816, F.S.; authorizing the agency to institute injunction proceedings, under certain circumstances; creating s. 408.817, F.S.; providing basis for review of administrative proceedings challenging agency licensure enforcement action; creating s. 408.818, F.S.; requiring fees and fines related to health care licensing to be deposited into the Health Care Trust Fund; creating s. 408.819, F.S.; authorizing the agency to adopt rules; providing a timeframe for compliance; creating s. 408.820, F.S.; providing exemptions from specified requirements of pt. II of ch. 408, F.S.; amending s. 400.801, F.S.; providing that the definition of homes for special services applies to sites licensed by the agency after a certain date; amending s. 400.9905, F.S.; excluding certain entities from the definition of “clinic”; amending s. 408.036, F.S.; exempting a nursing home created by combining certain licensed beds from requirements for obtaining a certificate of need from the agency; providing for future repeal; amending s. 408.831, F.S.; revising provisions relating to agency action to deny, suspend, or revoke a license, registration, certificate, or application; conforming cross-references; providing for priority of application in case of conflict; authorizing the agency to adjust annual licensure fees to provide biennial licensure fees; requesting interim assistance of the Division of Statutory Revision to prepare conforming legislation for the 2007 Regular Session; authorizing the agency to issue licenses for less than a specified time period and providing conditions therefor; providing an effective date.

—was referred to the Committees on Health Care; Children and Families; and Health and Human Services Appropriations.

By the Committee on Economic Development, Trade and Banking; and Representative Detert—

HB 7153—A bill to be entitled An act relating to financial entities and transactions; amending s. 494.001, F.S.; defining the term “control person”; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to require electronic submission of forms, documents, or fees; providing a limitation; authorizing the commission to adopt rules accommodating a technological or financial hardship; requiring that a grant or denial of a license be in accordance with ch. 120, F.S.; amending s. 494.0016, F.S.; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; amending s. 494.0029, F.S.; requiring that certain entities who offer or conduct mortgage business training obtain a permit; providing requirements and procedures for obtaining a permit; specifying that permits are not transferable or assignable; providing for expiration and recertification of permits; authorizing permit fees; requiring that curriculum, training, and training materials be available for inspection; requiring electronic notification to the office of persons who have successfully completed certain education requirements; requiring the commission to adopt rules; amending s. 494.00295, F.S.; revising professional education provisions to apply to continuing education; providing requirements; waiving such requirements for license renewals for certain persons under certain circumstances; amending s. 494.003, F.S.; revising the list of entities exempt from certain mortgage broker licensure requirements; amending

s. 494.0031, F.S.; requiring licensure of mortgage brokerage businesses; revising requirements and procedures for issuing licenses; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; specifying that certain licenses are not transferable or assignable; revising the grounds on which a license may be denied; deleting certain provisions relating to cancellation and reinstatement of licenses; amending s. 494.0032, F.S.; requiring renewal of branch office licenses with renewal of mortgage brokerage business licenses; amending s. 494.0033, F.S.; revising mortgage broker licensure requirements and procedures; authorizing the commission to prescribe additional testing fees; authorizing the commission to waive certain examination requirements under specified circumstances; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; deleting provisions relating to cancellation and reinstatement of licenses; amending s. 494.0036, F.S.; revising mortgage brokerage business branch office licensure requirements and procedures; deleting a requirement for displaying licenses; amending s. 494.0039, F.S.; deleting mortgage brokerage business change of address reporting and license display requirements; amending s. 494.004, F.S.; revising mortgage broker licensee requirements; providing requirements for acquiring a controlling interest in a licensee; providing a definition; providing duties and authority of the commission; authorizing the office to bring an administrative action under certain circumstances; amending s. 494.0041, F.S.; specifying additional grounds for taking disciplinary action; amending s. 494.006, F.S.; revising the list of entities exempt from mortgage lender licensure requirements; amending s. 494.0061, F.S.; requiring the licensure of mortgage lenders; revising mortgage lender license requirements and procedures; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; providing for commission rules; revising provisions governing grounds for imposing discipline; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to prescribe additional testing fees; revising provisions governing principal representatives; amending s. 494.0062, F.S.; requiring licensure of correspondent mortgage lenders; revising correspondent mortgage lender license requirements and procedures; providing duties and authority of the commission and office; providing duties of the Department of Law Enforcement; providing educational requirements for principal representatives; revising grounds for disciplinary action; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to prescribe additional testing fees; providing for commission rules; amending s. 494.0064, F.S.; revising mortgage lender branch office licensee professional continuing education requirements; amending s. 494.0065, F.S.; revising saving clause requirements and procedures; revising the duties and authority of the office and commission; providing duties of the Department of Law Enforcement; providing for commission rules; providing requirements for education and testing for certain principal representatives and for transfer applications; authorizing the commission to prescribe additional testing fees; revising provisions governing the denial of transfers; providing personal representative designation requirements; amending s. 494.0066, F.S.; revising branch office licensure requirements; providing for commission rules; amending s. 494.0067, F.S.; deleting a license display requirement; providing information reporting requirements; providing requirements for acquiring a controlling interest in a licensee; providing a definition; providing duties and authority of the commission; authorizing the office to bring an administrative action under certain circumstances; revising professional continuing education requirements; amending s. 494.0072, F.S.; providing additional grounds for taking disciplinary action; amending s. 494.00721, F.S.; conforming cross-references; amending s. 501.137, F.S.; providing mortgage lender liability for attorney's fees and costs for certain violations; amending s. 516.01, F.S.; defining the term "control person"; amending s. 516.03, F.S.; revising requirements and procedures for issuing consumer finance loan licenses; specifying certain fees as nonrefundable; authorizing the commission to adopt rules; revising certain fee requirements; providing for technological or financial hardship exemptions under certain circumstances; amending s. 516.031, F.S.; increasing a reimbursement charge for certain investigation costs; amending s. 516.05, F.S.; revising investigation procedures; deleting provisions relating to certain fees for licenses that have been denied; providing licensee information reporting requirements; providing requirements for acquiring a controlling interest in a licensee; providing a definition; providing duties and authority of the commission and office; providing for commission rules; authorizing the office to bring an administrative action under certain circumstances; deleting provisions authorizing the office to grant temporary licenses; amending s. 516.07, F.S.; providing an additional ground for taking disciplinary action; repealing s. 516.08, F.S., relating

to requirements for posting a license; amending s. 516.12, F.S.; authorizing the commission to adopt rules specifying the minimum information to be shown in a licensee's books, accounts, records, and documents and the requirements for destroying a licensee's books, accounts, records, and documents; amending s. 516.19, F.S.; correcting cross-references; amending s. 517.021, F.S.; redefining the term "branch office"; authorizing the commission to adopt rules; amending s. 517.051, F.S.; revising required accounting principles; amending s. 517.061, F.S.; revising a provision governing exempt transactions; amending s. 517.081, F.S.; revising required accounting principles; amending s. 517.12, F.S.; revising requirements and procedures for registration of dealers, associated persons, investment advisers, and branch offices; revising duties and authority of the commission and office; providing for commission rules; providing duties of the Department of Law Enforcement; revising requirements, procedures, and exemptions relating to activities of Canadian dealers and associated persons; providing for certain fees; providing that certain fees are nonrefundable; providing for the collection of fees; amending s. 517.131, F.S.; revising criteria under which recovery can be made from the Securities Guaranty Fund; authorizing the commission to adopt rules; amending s. 517.141, F.S.; revising requirements for claimant reimbursements to the fund; authorizing the commission to adopt rules; amending s. 517.161, F.S.; revising a ground for a registration adverse action; providing an additional ground; amending ss. 520.02, 520.31, and 520.61, F.S.; defining the term "control person"; amending ss. 520.03, 520.32, 520.52, and 520.63, F.S.; revising requirements and procedures for licensing motor vehicle retail installment sellers, retail installment transaction retail sellers, sales finance companies, and home improvement finance sellers; revising duties and authority of the commission and office; specifying certain fees as nonrefundable; amending s. 520.994, F.S.; revising commission authority to adopt rules to include electronic submissions; providing for accommodating a technological or financial hardship; amending s. 520.995, F.S.; providing an additional ground for taking disciplinary action; revising a provision applying disciplinary actions to certain persons; amending s. 520.997, F.S.; revising commission authority to adopt rules relating to a licensee's books, accounts, records, and documents; creating s. 520.999, F.S.; providing additional requirements of licensees in sales and finance; authorizing the office to bring an administrative action under certain circumstances; authorizing the commission to adopt rules; amending s. 537.009, F.S., relating to the Florida Title Loan Act; revising provisions relating to a licensee's books, accounts, records, and documents; amending s. 559.9232, F.S.; correcting cross-references; amending s. 560.105, F.S., relating to the Money Transmitters' Code; authorizing the commission to adopt rules for electronic submission of money transmitter licensee forms, documents, or fees; providing for exemptions due to technological or financial hardship; amending s. 560.114, F.S.; providing an additional ground for taking disciplinary action; amending s. 560.121, F.S.; authorizing the commission to adopt rules relating to a licensee's books, accounts, records, and documents; amending s. 560.126, F.S.; revising information reporting requirements; providing requirements for acquiring a controlling interest; authorizing the office to bring an administrative action under certain circumstances; authorizing the commission to adopt rules; amending s. 560.127, F.S.; revising criteria for determining control over a money transmitter; deleting provisions regulating the acquisition or purchase of a money transmitter; amending s. 560.205, F.S.; revising requirements and procedures for registering money transmitters; revising duties of the commission and office; providing duties of the Department of Law Enforcement; amending s. 560.207, F.S.; revising requirements and procedures for renewing a registration; authorizing the commission to adopt rules; providing that specified fees are nonrefundable; providing conditions for reinstating a registration; providing an additional fee; providing for expiration of registration; amending s. 560.210, F.S.; revising required accounting principles; amending s. 560.211, F.S.; revising certain recordkeeping requirements; amending s. 560.305, F.S., relating to the Check Cashing and Foreign Currency Exchange Act; revising requirements and procedures for registration; amending s. 560.306, F.S.; revising fingerprinting requirements and procedures; providing duties of the office and Department of Law Enforcement; amending s. 560.308, F.S.; revising requirements for renewal of registration; providing for expiration of registration; providing that specified fees are nonrefundable; providing conditions for reinstatement of a registration; amending s. 560.310, F.S.; revising certain recordkeeping requirements; amending s. 560.403, F.S.; revising requirements for registration renewal notices of intent; providing that specified fees are nonrefundable; providing conditions for reinstatement of a notice of intent; creating s. 655.851, F.S.; providing that credit balances that result from the performance of or participation in

check-clearing functions are not subject to certain reporting requirements; amending s. 655.935, F.S.; authorizing the search of a safe-deposit box co-leased by a decedent; providing construction; amending s. 655.936, F.S.; providing for the delivery of a safe-deposit box to a court-appointed personal representative; amending s. 655.937, F.S.; revising provisions for access to safe-deposit boxes; providing a penalty; amending s. 679.705, F.S.; extending the effective date of a financing statement filed under previous law; amending s. 733.6065, F.S.; revising provisions relating to the initial opening of certain safe-deposit boxes; providing an appropriation; providing effective dates.

—was referred to the Committees on Banking and Insurance; Criminal Justice; Judiciary; and General Government Appropriations.

By the Committee on Environmental Regulation; and Representative Needelman and others—

HB 7175—A bill to be entitled An act relating to vessels; amending s. 206.606, F.S.; authorizing the use of certain funds for local boating related projects and activities; amending s. 327.59, F.S.; authorizing marina owners, operators, employees, and agents to take actions to secure vessels during severe weather and to charge fees and be held harmless for such service; holding marina operators, employees, and agents liable for damage caused by intentional acts or negligence while removing or securing vessels; authorizing contract provisions and providing contract notice requirements relating to removing or securing vessels; amending s. 327.60, F.S.; providing for local regulation of anchoring within mooring fields; amending s. 328.64, F.S.; requiring the Department of Highway Safety and Motor Vehicles to provide forms for certain notification related to vessels; requiring the department to provide by rule for the surrender and replacement of certificates of registration to reflect change of address; amending s. 328.72, F.S.; requiring counties to use funds for specific boating related purposes; requiring counties to provide reports demonstrating specified expenditure of such funds; providing penalties for failure to comply; amending s. 376.11, F.S.; authorizing the distribution of revenues from the Florida Coastal Protection Trust Fund to all local governments for the removal of certain vessels; amending s. 376.15, F.S.; revising provisions relating to the removal of abandoned and derelict vessels; specifying officers authorized to remove such vessels; providing that certain costs are recoverable; requiring the Department of Legal Affairs to represent the Fish and Wildlife Conservation Commission in certain actions; expanding eligibility for disbursement of grant funds for the removal of certain vessels; amending s. 403.813, F.S.; providing exemptions from permitting, registration, and regulation of floating vessel platforms or floating boat lifts by a local government; authorizing local governments to require certain permits or registration for floating vessel platforms or floating boat lifts under certain circumstances; amending s. 705.101, F.S.; revising the definition of “abandoned property” to include certain vessels; amending s. 705.103, F.S.; revising the terminology relating to abandoned or lost property to conform; amending s. 823.11, F.S.; revising provisions relating to abandoned and derelict vessels and the removal of such vessels; providing a definition of “derelict vessel”; specifying which officers may remove such vessels; directing the Fish and Wildlife Conservation Commission to implement a plan for the procurement of federal disaster funds for the removal of derelict vessels; requiring the Department of Legal Affairs to represent the commission in certain actions; deleting a provision authorizing the commission to delegate certain authority to local governments under certain circumstances; authorizing private property owners to remove certain vessels with required notice; providing that cost of such removal is recoverable; prohibiting private property owners from hindering the removal of certain vessels by vessel owners or agents; providing for jurisdictional imposition of civil penalties for violations relating to certain vessels; providing an effective date.

—was referred to the Committees on Transportation; Environmental Preservation; Judiciary; Domestic Security; and General Government Appropriations.

By the Committee on Future of Florida's Families; and Representative Galvano—

HB 7199—A bill to be entitled An act relating to forensic treatment and training; amending s. 916.105, F.S.; revising legislative intent with

respect to the treatment or training of defendants who have mental illness, mental retardation, or autism and are committed to the Agency for Persons with Disabilities; providing intent with respect to the use of restraint and seclusion; amending s. 916.106, F.S.; providing and revising definitions; amending s. 916.107, F.S., relating to the rights of forensic clients; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; revising provisions governing the involuntary treatment of clients; requiring the coordination of services between the department, the agency, and the Department of Corrections; amending s. 916.1075, F.S.; revising certain prohibitions on sexual misconduct involving covered persons of the Department of Children and Family Services or the Agency for Persons with Disabilities; defining the term “covered person”; requiring that notice of sexual misconduct be provided to the inspector general of the agency or department; amending s. 916.1081, F.S.; providing that an escape or an attempt to escape from a civil or forensic facility constitutes a second-degree felony; amending s. 916.1085, F.S.; providing for certain prohibitions concerning contraband articles to apply to facilities under the supervision or control of the Agency for Persons with Disabilities; deleting a cross-reference; amending s. 916.1091, F.S.; authorizing the use of chemical weapons by agency personnel; amending s. 916.1093, F.S.; authorizing the agency to enter into contracts and adopt rules; requiring department and agency rules to address the use of restraint and seclusion; providing requirements for such rules; amending s. 916.111, F.S.; revising provisions governing the training of mental health experts; amending s. 916.115, F.S.; requiring that the court appoint experts to determine the mental condition of a criminal defendant; requiring that the Department of Children and Family Services annually provide the courts with a list of certain mental health professionals; amending s. 916.12, F.S.; revising provisions governing the evaluation of a defendant's competence to proceed; amending s. 916.13, F.S.; revising conditions under which a defendant may be involuntarily committed for treatment; amending s. 916.145, F.S., relating to dismissal of charges against a defendant adjudicated incompetent; conforming provisions to changes made by the act; amending s. 916.15, F.S.; clarifying that the determination of not guilty by reason of insanity is made under a specified Florida Rule of Criminal Procedure; amending s. 916.16, F.S.; providing for the continuing jurisdiction of the court over a defendant involuntarily committed due to mental illness; amending s. 916.17, F.S.; clarifying circumstances under which the court may order the conditional release of a defendant; amending s. 916.301, F.S.; requiring that certain evaluations be conducted by certain qualified experts; requiring that the Agency for Persons with Disabilities provide the court with a list of certain available retardation and autism professionals; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the agency; amending s. 916.3012, F.S.; clarifying provisions governing the determination of a defendant's mental competence to proceed; amending s. 916.302, F.S., relating to the involuntary commitment of a defendant; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the agency; requiring that the department and agency submit an evaluation to the court before the transfer of a defendant from one civil or forensic facility to another; amending s. 916.3025, F.S.; clarifying that the committing court retains jurisdiction over a defendant placed on conditional release; providing for the transfer of continuing jurisdiction to another court where the defendant resides; amending s. 916.303, F.S.; clarifying provisions governing the dismissal of charges against a defendant found to be incompetent to proceed due to retardation or autism; amending s. 916.304, F.S.; providing for the conditional release of a defendant to a civil facility; amending ss. 921.137 and 985.223, F.S., relating to provisions governing the imposition of the death sentence upon a defendant with mental retardation and the determination of incompetency in cases involving juvenile delinquency; conforming provisions to the transfer of duties from the Developmental Disabilities Program Office within the Department of Children and Family Services to the Agency for Persons with Disabilities; amending ss. 287.057, 408.036, 943.0585, and 943.059, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committees on Children and Families; Criminal Justice; Judiciary; and Health and Human Services Appropriations.

By Representative Lopez-Cantera and others—

HJR 353—A joint resolution proposing an amendment to Section 6 of Article VII and the creation of Section 26 of Article XII of the State Constitution to increase the maximum additional homestead exemption for low-income seniors from \$25,000 to \$50,000 and to schedule the amendment to take effect January 1, 2007, if adopted.

—was referred to the Committees on Community Affairs; Government Efficiency Appropriations; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Representative Sands—

HB 459—A bill to be entitled An act relating to public records; amending s. 744.7082, F.S.; creating an exemption from public records requirements for identifying information of persons making a donation of funds or property to the direct-support organization of the Statewide Public Guardianship Office; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Judiciary; Children and Families; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Planas—

HB 605—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the home addresses, telephone numbers, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, senior juvenile detention officers, juvenile detention officer supervisors, juvenile detention officers, house parents I and II, house parent supervisors, group treatment leaders, group treatment leader supervisors, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice, the names, home addresses, telephone numbers, and places of employment of spouses and children of such personnel, and the names and locations of schools and day care facilities attended by the children of such personnel; providing for review and repeal; reenacting s. 409.2577, F.S., relating to disclosure of information to the parent locator service of the Department of Children and Family Services, for the purpose of incorporating the amendment to s. 119.071, F.S., in a reference thereto; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Adams and others—

HB 687—A bill to be entitled An act relating to public records; creating s. 790.0601, F.S.; creating an exemption from public records requirements for certain personal identifying information held by the Division of Licensing of the Department of Agriculture and Consumer Services; providing for retroactive application of the exemption; providing for disclosure of such information under specified conditions; providing for review and repeal; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Commerce and Consumer Services; Criminal Justice; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Greenstein—

HB 1117—A bill to be entitled An act relating to public records; creating s. 343.59, F.S.; providing an exemption from public records requirements for certain appraisal reports, offers, and counteroffers relating to land acquisition by the South Florida Regional Transportation Authority; providing that the exemption expires upon execution of a certain contract or at a certain time before a purchase contract or agreement is considered for approval; providing exceptions to the exemption; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Transportation; Community Affairs; Governmental Oversight and Productivity; and Rules and Calendar.

By Representative Sansom and others—

HB 1125—A bill to be entitled An act relating to public records; creating s. 21.0195, F.S.; exempting from public records requirements working papers, including all documentary or other information, prepared or maintained by the Legislative Sunset Advisory Committee in performing its duties under ch. 21, F.S., to conduct an evaluation and prepare a report; specifying that information received for such purpose that is confidential and exempt shall remain confidential and exempt; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committees on Governmental Oversight and Productivity; General Government Appropriations; Ways and Means; and Rules and Calendar.

By Representative Gannon and others—

HB 1451—A bill to be entitled An act relating to public records; creating s. 381.8531, F.S.; providing an exemption from public records requirements for an individual's medical record or information received from an individual from another state or nation or the Federal Government that is otherwise confidential or exempt that is held by the Florida Center for Brain Tumor Research; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Health Care; Commerce and Consumer Services; Governmental Oversight and Productivity; Ways and Means; and Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 1 was corrected and approved.

CO-INTRODUCERS

Senators Bullard—CS for CS for SB 192, CS for CS for SB 382, CS for SB 642, CS for CS for SB 994; Campbell—CS for SB 678, SB 1022; Crist—SB 186; Dawson—CS for SB 678; Geller—CS for SB 678, SB 1022; Hill—CS for SB 678, SB 1022; Klein—CS for SB 678, SB 1022, SM 1676; Lawson—CS for SB 678, SB 1022; Miller—CS for SB 678, SB 1022; Posey—CS for CS for SB 994, CS for SB 1596, SJR 1918, SB 2284, SB 2300; Smith—CS for CS for SB 132

RECESS

On motion by Senator Pruitt, the Senate recessed at 6:41 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, May 3 or upon call of the President.